

Land Use and Subdivision Consent Application and Assessment of Environmental Effects

160 Mazengarb Road, Paraparaumu

Prepared for:

Sussex Trust

Ref: 23333

Cuttriss
Surveyors. Engineers. Planners.

Document Control			
Version	Description	Author/Reviewer	Date
	Draft	Emma Bean	29-07-2024
	Review	Elliott Thornton	29-07-2024
A	Final	Emma Bean	30-07-2024

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Disclaimer

This report has been specifically prepared for the abovementioned client, site and project and is a professional opinion based on information available at the time of writing. To the best of our knowledge, the information contained in this report is accurate at the date of issue. This report is not intended as a guarantee or warranty and Cuttriss Consultants Ltd does not accept responsibility for the accuracy or completeness of third party information.

APPLICATION FORM

APPLICANT	Sussex Trust
NAMES OF OWNER/S AND OCCUPIER/S OF THE SITE	Barbara Joan Arnopp (160 Mazengarb Road) Joseph Heath Nock, Lucy Rose Nock (6 Niu Sila Way) SM Property Development Limited (12, 14, 16 Niu Sila Way)
SITE ADDRESS	160 Mazengarb Road, Paraparaumu
LEGAL DESCRIPTION	Lot 12 DP 90944 held in RT WN58C/838
DISTRICT PLAN ACTIVITY ZONE	General Residential Zone
TYPE OF RESOURCE CONSENT	Land Use and Subdivision Consent
ADDITIONAL RESOURCE CONSENT/S	Resource consent will be required from Greater Wellington Regional Council for earthworks exceeding 3,000m ² and associated stormwater discharge
DESCRIPTION OF APPLICATION	Land use consent for construction of 41 residential units, a private road and communal area, alongside associated earthworks. Associated 56-lot fee simple subdivision
DEPOSIT FEE	\$5,370.00
ADDRESS FOR SERVICE	Emma Bean C/- Cuttriss Consultants Ltd PO Box 386 Paraparaumu, 5254 emma.bean@cuttriss.co.nz
BILLING ADDRESS	Sussex Trust C/- Thames Pacific Unit 1 Jessie Street Te Aro, Wellington 6011 Attn: Kurt Kerrison kurtk@thamespacific.com

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SECTION 1

INTRODUCTION

Cuttriss Consultants Ltd (Cuttriss) have been engaged on behalf of Sussex Trust to prepare a resource consent application for the residential development and subdivision proposed at 160 Mazengarb Road, Paraparaumu.

In summary, the land use component of the proposed development includes the construction of 41 residential dwellings, a private loop road and community lawn area. The residential units are largely compliant with District Plan standards with exception of number of dwellings, height in relation to boundary, windows to street, landscaped area and water demand management. Land use consent is also sought to undertake associated earthworks, which also include the properties at 6 and 12 – 16 Niu Sila Way to the south of the primary development site.

Land use consent is also sought to park construction vehicles on site overnight for the duration of the construction period.

The subdivision component of the proposal includes an associated 56-lot fee simple subdivision, with 41 lots around the proposed residential units, 14 carparking spaces on fee simple titles and one lot comprising the community lawn area and private access road.

Ownership of the road and community lawn area will be via a Residents Society under the Incorporated Societies Act 1908, requiring building owners to be jointly responsible for maintenance of the 'communal' use areas within Lot 100.

Heights for the development were recorded prior to the Council's change of height datum from Wellington Datum 1953 to Vertical Datum 2016. Council also supplied the most up to date flood information for the site in Wellington Datum 1953, so the proposal has been prepared as per this datum at this stage.

This application includes an assessment against the Operative Kāpiti Coast District Plan (District Plan) and an assessment of the effects that the proposed activity may have on the environment, in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991 (RMA). In support of the application, I have attached information required by the District Plan, along with information that is sufficient to adequately define the position of all new boundaries and the areas of the new allotments.

1.1 SUMMARY TABLE

Job Number:	23333
Address of Site:	160 Mazengarb Road, Paraparaumu 6, 12, 14 and 16 Niu Sila Way, Paraparaumu (earthworks only)
Property Description:	Lot 12 DP 90944
Site Area:	7,168m ²
Site Visit Date:	17 July 2024
Regional Council:	Greater Wellington Regional Council (GWRC)
Territorial Authority:	Kāpiti Coast District Council (KCDC)
Operative District Plan:	Kāpiti Coast District Plan (version: 10 July 2024)
Zone and notations:	Coastal Environment, Major Community Connector (Mazengarb Road), Flood Hazard – Ponding, Airport Plan: Runways Height Surfaces
Tenure:	Fee Simple
Registered Owners:	Barbara Joan Arnopp (No. 160 Mazengarb Road) Joseph Heath Nock, Lucy Rose Nock (No. 6 Niu Sila Way) SM Property Development Limited (No. 12 – 16 Niu Sila Way)
Applicant:	Sussex Trust
Type of Application:	Resource Consent
Type of Development:	Land Use and Subdivision
Activity:	Residential Buildings, Subdivision, Earthworks
Activity Status:	Non-Complying Activity
Appendices:	A. Records of Title B. Architectural Plans (DGSE) C. Landscaping Plans (DGSE) D. Scheme Plan – 23333 SCH, Rev A (Cuttriss) E. Preliminary Construction Environmental Management Plan (Cuttriss) F. Engineering Infrastructure Report (Cuttriss) G. Conceptual Stormwater Disposal Design Report (Cuttriss) H. Integrated Transport Assessment (Stantec) I. Geotechnical Assessment (Torlesse) J. KCDC Correspondence Regarding Existing Cycleway K. Urban Design Assessment (Urban Acumen)

SECTION 2

PROPOSED ACTIVITY

2.1 SITE DESCRIPTION

Physical Description

The subject site is a 7,168m², broadly rectangular site known as 160 Mazengarb Road, Paraparaumu. The subject site comprises an existing dwelling situated towards the rear of the site, alongside three large sheds / garages. Vehicle access is provided via a gravelled driveway at the southern end of the site's Mazengarb Road frontage. There are a number of mature trees located across the site, primary at the southwestern side of the subject site.



Figure 1. Aerial image showing subject site and surrounding context (source: Grip Maps, July 2024)

The subject site has a 60m frontage along Mazengarb Road, with the ground level falling away from the kerb level. Existing ground level is undulating and variable, with height varying from approximately RL 4.1m – 7.1m above mean sea level, Wellington Datum 1953. At the boundary the site typically sits lower than the adjoining properties along the southern boundary and higher than the properties along the northern boundary.



Figure 2. Subject site as viewed from accessway (17/07/2024)



Figure 3. Subject site facing Mazengarb Road (17/07/2024)

The proposal also includes No. 6, 12, 14 and 16 Niu Sila Way, with respect to earthworks only. No. 6 Niu Sila Way comprises an existing dwelling located centrally on the 763m² site, whilst No. 12 – 16 Niu Sila Way are vacant residential lots with respective land areas of 630m², 523m² and 479m². These properties adjoin the primary subject site to the south.



Figure 4. Aerial image showing 6, 12 - 16 Niu Sila Way (source: Grip Maps, July 2024)

The subject site is shown within District Plan maps to be subject to a ponding flood hazard along the southern boundary, as shown in Figure 5 below. This flood extent was modelled prior to the subdivision undertaken at Niu Sila Way which has altered the flood extent. Updated flood modelling shows localised ponding on low points of the site, as shown in Figure 6 below. This flood hazard is based on a 1% Annual Exceedance Probability (1 % AEP) flood event.

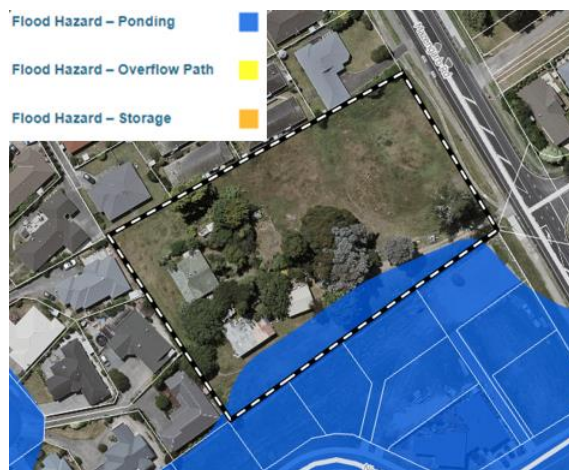


Figure 5. District Plan flood overlay (source: KCDC District Plan)

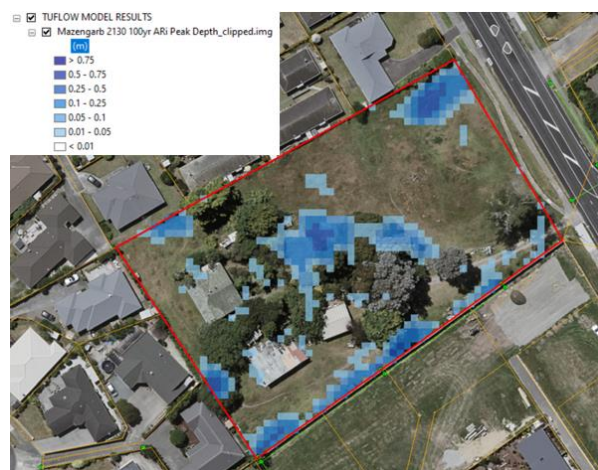


Figure 6. Latest flood modelling (source: Awa Environmental Ltd, TUFLOW 100yr ARI 2 130 peak depth)

Legal Description

Legal descriptions are provided in Table 1, and a copy of the Records of Title is attached as **Appendix A**. With respect to No. 160 Mazengarb Road, there is a sewage drainage easement registered on the Record of Title in favour of Council, the proposal includes a new sewer manhole in this area, as discussed in the Works and Services section below.

The Niu Sila Way properties are subject to two s221 Consent Notices, which pertain to onsite building requirements, as the proposal includes earthworks only with respect to these properties there are no items on either of these Consent Notices which will affect Council's ability to grant consent to the proposal.

Table 1. Site parameters

Address	Area	Property Description	RT	Tenure
160 Mazengarb Road, Paraparaumu	7,168m ²	Lot 12 DP 90944	WN58C/838	Fee Simple
6 Niu Sila Way, Paraparaumu	763m ²	Lot 14 DP 523426	1030162	Fee Simple
12 Niu Sila Way, Paraparaumu	630m ²	Lot 11 DP 523426	1146900	Fee Simple
14 Niu Sila Way, Paraparaumu	523m ²	Lot 10 DP 523426		Fee Simple
16 Niu Sila Way, Paraparaumu	479m ²	Lot 9 DP 5234526		Fee Simple

Surrounding Locality

The surrounding locality is predominantly residential, with housing typology comprising large standalone dwellings, predominantly single storey, with land areas typically between 500 – 800m². To the south of the subject site is the partially developed Niu Sila Way, where four sections have been developed to date and the rest are currently vacant.

Mazengarb Road is a Major Community Connector within the District Plan's roading hierarchy, having an 11.5m carriageway and a single lane in each direction. Mazengarb Road has a flush median approximately 2.8m wide, as well as marked shoulders which function as on-road cycle lanes.

The subject site is located approximately 3.5km from the Paraparaumu town centre, and approximately 3km from the Paraparaumu Beach town centre. The nearest recreational space is the Mazengarb Reserve, which is approximately 250m south of the subject site and comprises a number of sports fields, pavilions and a playground.

As shown by Figure 7 below, the subject site is well connected to educational and childcare facilities, with Paraparaumu College being located 100m north of the subject site, which provides secondary education for students in Year 9 – 13. Kindercare Paraparaumu is located 200m south of the subject site, providing childcare for babies, infants and toddlers. The nearest primary school is Paraparaumu Beach School, located 1.2km from the subject site.



Figure 7. Subject site in proximity to educational facilities (green) and bus stops (red)

The subject site is well connected to public transport, with a bus stop located 100m north, outside of Paraparaumu College. This stop is serviced by the 262 bus route, which runs between Paraparaumu Beach and the Paraparaumu Train Station every 20 – 40 minutes. The Paraparaumu Train Station provides train connections between Waikanae and Wellington.

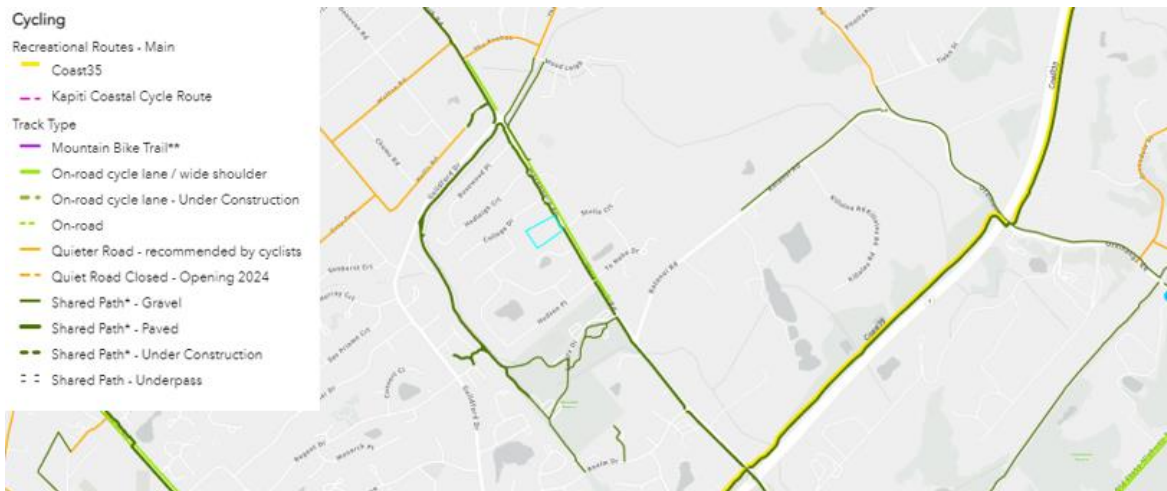


Figure 8. Subject site in proximity to cycle network (source: KDC GIS)

2.2 PLANNING FRAMEWORK AND REQUIREMENTS

The application must be assessed under the RMA, any applicable National Environmental Standard (NES) and the District Plan.

The proposed development is considered Land Use and Subdivision in accordance with section 87 of the RMA.

Table 2. RMA definition of land use and subdivision

Activity	Definition
Land use	A consent to do something that would otherwise contravene section 9(3) of the RMA being the use of land in a manner that contravenes Chapters INF-MENU –

Activity	Definition
	Infrastructure, TR – Transport, NH-FLOOD – Natural Hazards, EW – Earthworks, and GRZ – General Residential Zone of the District Plan.
Subdivision	A consent to do something that would otherwise contravene section 11 of the RMA being the subdivision of land in a manner that contravenes Chapters SUB-DW – District-Wide Subdivision Matters and SUB-RES – Subdivision in Residential Zones of the District Plan. Subdivision of land is defined under section 218 of the RMA as being the division of an allotment by an application to the Registrar-General of Land for the issue of a separate record of title for any part of the allotment.

In accordance with section 88 of the RMA, this application is supported by:

- information relating to the activity, including an assessment of the effects on the environment,
- appropriate supporting documents,
- the required deposit fee (to be invoiced).

2.3 DESCRIPTION OF PROPOSAL

The proposal pertains to the construction of 41 residential allotments, and associated fee simple subdivision. Architectural plans showing the proposed development and communal areas have been prepared by Design Group Stapleton Elliott (DGSE), and are included at **Appendix B**, alongside a set of landscaping plans by DGSE at **Appendix C**. A scheme plan set has been included at **Appendix D**, prepared by Cuttriss, titled 23333 SCH, demonstrating the proposed subdivision, servicing and earthworks.

With respect to construction and servicing, Cuttriss have prepared a Preliminary Construction Environmental Management Plan (CEMP), a copy of which is available at **Appendix E**, alongside an Engineering Infrastructure Report (**Appendix F**) and Conceptual Stormwater Disposal Design Report (**Appendix G**)



Figure 9. Proposed development as viewed from Mazengarb Road (refer to Appendix B for further detail)

Land Use – Residential Dwellings

The proposal includes the construction of a new private loop road, with a community lawn area in the centre of the development. At the periphery of the development is the proposed residential units, as seen in Figure 10 below. Units 1 – 5 and 40 – 41 will also have pedestrian access provided directly from Mazengarb Road.



Figure 10. Proposed site layout (refer to Appendix B for further detail)

Each residential unit will be a detached dwelling, majority of which will be single storey, with a number of two-storey dwellings (Units 6, 25, 31, 35 and 39) included to provide visual interest across the development. The footprint of each residential unit is 58.3m² (11m x 5.3m), in the case of the two-storey units, these will have total floor areas of 78m². Internal layouts comprise between one to three bedrooms, one bathroom and open plan living, kitchen and dining areas.

Each dwelling will be constructed with a gable roof and will be constructed using one of three material palettes, which have been developed to incorporate different materials, colours and surface finishes and have been spread randomly across the site, refer to Sheets RC07 and RC08 of the Architectural Plans (**Appendix B**) for further detail.

Each dwelling is provided with an outdoor living space either to the front or rear of the dwelling, accessed directly from the living room. Each outdoor living space will be flat and of suitable size and shape to accommodate outdoor furniture, with the side / rear yards being utilised as service areas with space for a clothesline and bike locker. Rear and side yards will be covered with artificial grass to provide low maintenance outdoor areas, which also provides some permeability. Fencing will be utilised throughout the site, varying from 1.2m to 1.8m, as detailed within the Landscape Plans at **Appendix C**.

The community lawn area at the centre of the development comprises an open lawn area, seating area, cycle hoops and the two proposed refuse collection areas which will be screened by fencing.

Rubbish and recycling collection will be undertaken by a waste management company, which will be organised by the Residents Society. The proposed private road is 5.8m wide, with localised widening at the bends to ensure an 8m rigid truck can be accommodated within the site, suitable for rubbish and recycling collection as well as emergency vehicles. The subject site can also accommodate larger 10.5m trucks on site.

Each residential unit will be provided with a carparking space, either situated at the front of the dwelling or an allocated space near the community lawn area. Two additional guest carparking spaces will also be provided alongside the community lawn.

Land Use – Earthworks

Earthworks are required to facilitate the construction of the aforementioned residential dwellings, the proposed access road and to achieve a suitable grade for servicing. Proposed earthworks have been detailed in Sheet 3 of the Scheme Plan (**Appendix D**). Earthworks comprise 3,300m³ of fill and 1,300m³ of cut, altering ground level by a maximum height of 2m and depth of 1.75m.

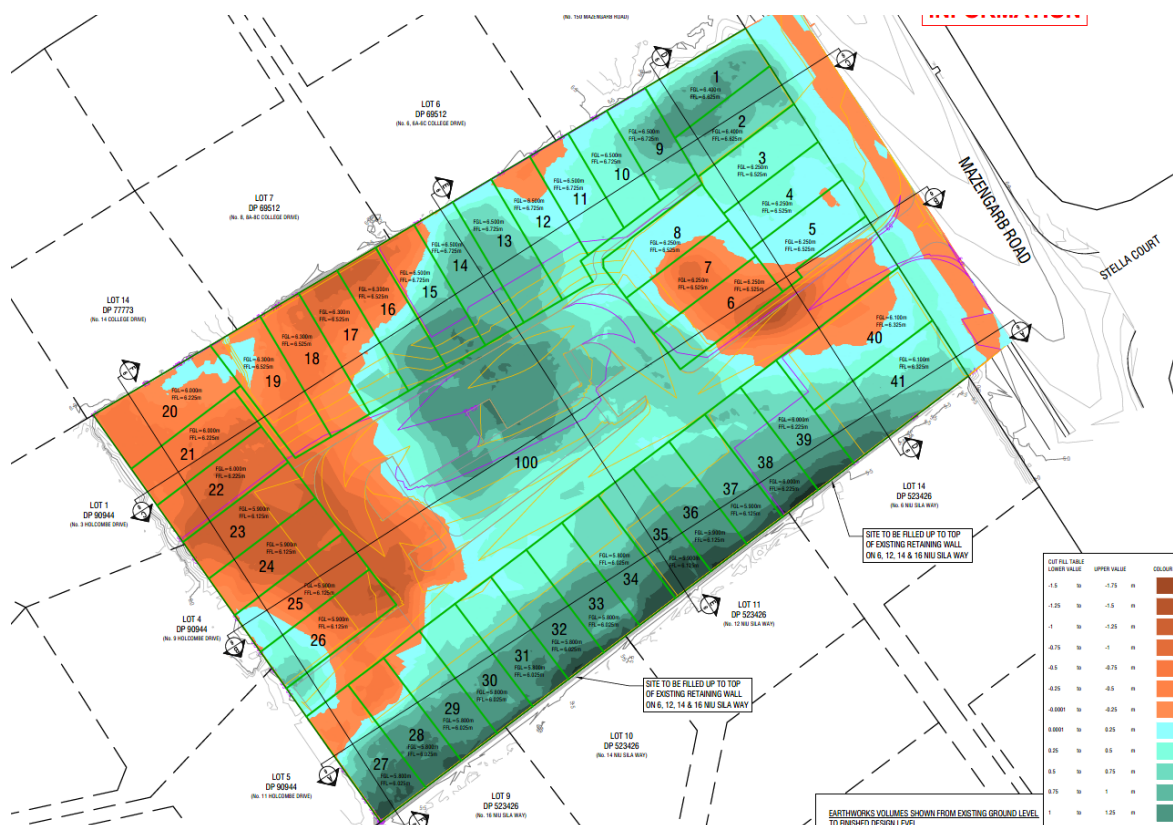


Figure 11. Proposed earthworks showing cut (orange) and fill (green). (Refer to Appendix D for further detail)

Existing ground level at the southern end of No. 160 Mazengarb Road is lower than the properties at Niu Sila Way, with an existing retaining wall located within the boundaries of the Niu Sila Way properties, which is setback from the boundary with No. 160 Mazengarb by approximately 200mm, pictured in Figure 12 below. In order to create more cohesive finished

ground levels, earthworks will be undertaken within No. 6, 12, 14 and 16 Niu Sila Way, as shown in Figure 13, in order to match finished ground level with the existing ground levels of the Niu Sila Way properties.



Figure 12. Existing fence and retaining between No. 160 Mazengarb Road and the Niu Sila Way properties

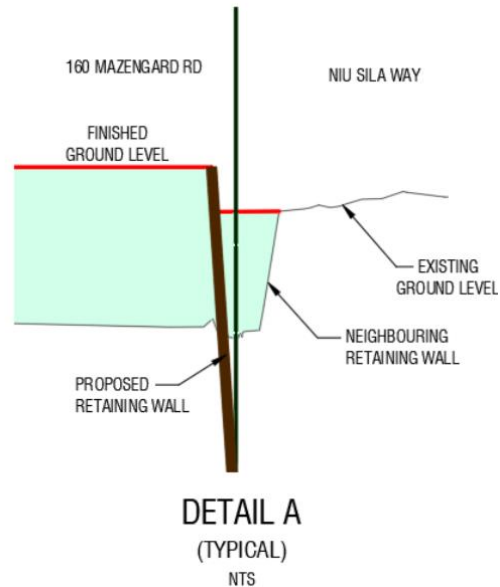


Figure 13. Proposed fill within Niu Sila Way (refer to Appendix D for further detail)

Earthworks will be undertaken in accordance with GWRC's "Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region" which provides technical guidance for the selection, design and use of erosion and sediment control practices and measures for land disturbance in the context of the Wellington Region.

Earthworks have been designed with consideration to Council's latest flood modelling, care of Awa Environmental Ltd, a copy of the most recent flood advice has been included within the Engineering Infrastructure Report (Infrastructure Report) at **Appendix F**.

Subdivision

Upon completion of construction, it is proposed to undertake a 56-lot fee simple subdivision as follows:

- 41 fee simple allotments comprising a newly constructed dwelling (Lots 1 – 41);
- 14 fee simple allotments, each comprising a carparking space (Lots 201 – 214);
- One fee simple allotment comprising the private road, community lawn and refuse areas (Lot 100).

A Residents Society will be established, who will own the private road and community lawn area. Each proposed allotment will have a covenant registered on their Record of Title requiring them to belong to the Residents Society. The Residents Society will require all building owners to be jointly responsible for maintenance of the 'communal' use areas, including the private road, and will require all building owners to maintain insurance through the same insurer, it will also arrange rubbish collection from the communal refuse area.

The carparking spaces will be allocated to units without on-site carparking, with two spaces to be held by the Residents Society for guest parking.

Proffered Conditions

It is anticipated that KCDC's standard conditions will be imposed with respect to general compliance with the final approved plans, engineering approval, construction and servicing connections. In addition to the standard conditions, the following conditions are proffered as part of the proposal:

Land Use

Construction

1. At least 20 working days prior to any works commencing, the consent holder shall prepare and submit a final Construction Environmental Management Plan (CEMP) for certification by the Council's Development Engineer. The CEMP shall be in general accordance with the ESC Guidelines for Wellington Region and be prepared in consultation with the contractor undertaking the works, and a suitably qualified and experienced person. The Final CEMP shall include how the following construction effects will be managed throughout the construction period and how the construction related conditions of consent shall be complied with. The Final CEMP must include (as a minimum) measures to address:
 - Traffic entering and exiting the site during construction;
 - Earthworked material tracking onto the road network;
 - Dust;
 - Noise, vibration and hours of construction;
 - Site compound and operative on-site parking location; and
 - Erosion and sediment control measures.

Note: The CEMP referenced above shall be a comprehensive document covering the items typically included in an Erosion and Sediment Control Plan (ESCP) and Construction Traffic Management Plan (CTMP).

2. The consent holder shall ensure that throughout the duration of the civil works required to give effect to the subdivision as outlined in Decision 1.1, only registered heavy trade vehicles associated with the completion of these works above shall be permitted to be parked permanently on site (i.e. more than two times in any one week for more than 12 consecutive hours).
3. Foundation design and construction for any new building or additions and alterations to a building on each lot shall take into account the findings and recommendations within the report titled "Geotechnical Assessment Report" by Torlesse dated 25/07/2024 and the completion report and certificates required by Condition 5.
4. Prior to occupation, all dwellings are to be fitted with water efficient plumbing fixtures which are marked as 3 stars or more under the Water Efficient Labelling Scheme.
5. Prior to occupation, the consent holder shall carry out road marking, including the installation of yellow broken lines, as recommended in the ITA prepared by Stantec, subject to granting of a traffic resolution by Council. Where traffic resolution is not granted, the consent holder shall carry out repainting of the cycle lane within the

same area. All costs of these works are to be borne by the consent holder, unless otherwise agreed with Council.

Earthworks

6. The consent holder shall undertake earthworks in accordance with Part 3C & Part 4 Schedule 2 of the LDMR and the requirements & intents of the report titled "Geotechnical Assessment Report" by Torlesse dated 25/07/2024.
7. Upon completion of the earthworks the consent holder shall provide geotechnical completion report and a certificate in the form of Schedule 2A of NZS4404:2010 by the geo-professional and a certificate in the form of Appendix A of NZS4431:2022 by the inspecting engineer to the Council's Development Engineer.

Subdivision

8. It is the ongoing responsibility of the owners of the allotments within the subdivision to maintain the land and buildings in accordance with all of the conditions of consent imposed against the land use consent granted by the Council under Ref RM240XXX. This requires that the buildings are maintained in accordance with the final approved building plans. It also requires that landscaping is maintained in accordance with the approved Landscape Plan.

Note: It is anticipated that a consent notice pursuant to Section 221 will be issued on each Record of Title created by the subdivision in order to tie the subdivision to the land use and that any changes to the buildings including any additional units, will require an application to cancel this consent notice, or a change of conditions to the land use consent under Section 127 of the Resource Management Act 1991.

Staging

9. Individual certifications pursuant to sections 223 and 224(c) of the RMA will be issued for this proposal in a series of stages provided that the following criteria are met:
 - i. Each individual allotment must be consistent with the proposal as approved and must have frontage, or legal access, to a legal road;
 - ii. Each allotment shown on any survey plan, including any balance allotment must be adequately serviced as required by and in terms of the relevant conditions set out in this notice of decision;
 - iii. All engineering conditions and any development contribution payable pertaining to the allotments shown on the survey plan must be satisfied prior to the execution of a certificate pursuant to section 224(c) of the RMA.

2.4 WORKS AND SERVICES

The Infrastructure Report included at **Appendix F** provides a summary of the infrastructure constraints and details the proposed infrastructure solutions for this development. The report concludes that the proposed subdivision can be adequately serviced meet the requirements of KCDC's Land Development Minimum Requirements (LDMR), with confirmation of final grades and pipe sizing to be provided at detailed design stage. All infrastructure and roading proposed will be privately owned and is not proposed to be vested with KCDC.

Water Supply

It is anticipated that a 100mmØ watermain will be installed within the site to meet the residential demand and to provide fire-fighting supply in accordance with the LDMR and SNZ PAS 4509:2008 requirements, with a 63mmØ ridermain teeing off the 100mmØ watermain to service units around the loop road. Units positioned along the Mazengarb Road boundary are to be serviced via individual connections from the 250mmØ Asbestos Cement watermain.

The existing 20mmØ connection for the existing house within the site is to be capped and abandoned.

As required by the LDMR, all new lots will be serviced with individual 20mmØ MDPE connections and a manifold box containing a water meter and backflow preventer. Proposed new valves and connections will be installed as per KCDC's standard details.

A centralised 20,000L storage tank will be provided for the development. This tank will provide for washing the refuse areas and watering the community lawn area.

Sewage Disposal

It is proposed to adopt a hybrid of low-pressure sewer (LPS) and gravity network to service the development. A centralised low-pressure pump and pumping main will be installed within the private road (Lot 100), with individual service connections for 16 of the total 41 lots being provided to the boundary of each nominated lot. The discharge location for the LPS network will be via a new sewer manhole constructed as part of the new gravity network.

The remaining 25 lots shall be serviced via a new gravity network, discharging to sewer manhole KWWN003085.

Detailed sizing, valve locations and flushing points are to be confirmed at the detailed design stage, as part of the KCDC's engineering approval.

The rationale behind the proposed private pump station has been further discussed as a Section 104(1)(a) matter in Section 4.2 below.

Stormwater Reticulation

A Conceptual Stormwater Disposal Design Report (Stormwater Report) has been prepared by Cuttriss which outlines stormwater disposal for the development, this is included at **Appendix G**.

A centralised stormwater disposal system is proposed, utilising a crate modular type system which will allow for soakage and accommodate storage for development runoff up to a 1% AEP flood event.

Power and Telecommunications

Initial consultation Electra has confirmed that the site can be adequately serviced. It is anticipated that underground service connections will be made available to each of the proposed lots in accordance with the requirements of the LDMR. The development will be supplied internally with power and telecommunications by Wellington Utilites Ltd

Access

Each residential unit will be provided with vehicle access via the proposed private road, which will be jointly owned and maintained by the Residents Society. The private road has a formed width of 5.8m.

An off-street carparking space will be provided for each residential unit, either in front of the unit, or alongside the community lawn area. In the case of parking spaces alongside the community lawn, these will be held in their own fee simple title and allocated to a unit.

Financial Contributions

Financial contributions are anticipated for the creation of 40 additional units of demand, as per the District Plan.

2.5 ASSESSMENT AGAINST THE RELEVANT RULES AND STANDARDS

District Plan Notations

The subject site is located within the General Residential Zone and is subject to the following notations:

- Major Community Connector (Mazengarb Road)
- Flood Hazard – Ponding
- Coastal Environment
- Airport Plan: Runways Height Surfaces (Horizontal Surface)

District Plan Rules and Standards

As assessed in Table 3 below, resource consent is sought pursuant to the following District Plan Rules:

- INF-MENU-R37 (non-complying activity)
- TR-R10 (restricted discretionary activity)
- TR-R11 (discretionary activity)
- TR-R16 (non-complying activity)
- NH-FLOOD-R11 (restricted discretionary activity)
- SUB-DW-R25 (controlled activity)
- SUB-DW-R9 (controlled activity)
- SUB-DW-R7 (restricted discretionary activity)
- SUB-RES-R30 (discretionary activity)
- EW-R5 (restricted discretionary activity)
- GRZ-R12 (restricted discretionary activity)
- GRZ-R36 (restricted discretionary activity)
- GRZ-R37 (restricted discretionary activity)

Table 3. District Plan Assessment

District Plan Rule No.	District Plan Standard	Compliance
INF – Infrastructure		
INF-PNU-R5 The development and installation of any new network utility, except for electricity transmission lines	1. Compliance with the clearance distances specified in NZECP34:2001, and Section 6.4.4 External Interference Prevention of NNZAS 2885 Pipelines – Gas and Liquid Petroleum.	Complies New network utilities (power, telecommunications, wastewater, water, roading) will be installed as part of the proposal.

<p>above 110kV; or gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals, provided that they are not located within: 1 – 12.</p> <p>(permitted activity)</p>		
<p>INF-PNU-R6</p> <p>New underground telecommunications and radiocommunications facilities.</p> <p>(permitted activity)</p>	<p>Note: Compliance with the clearance distances specified in NZECP34:2001, and section 6.4.4 External Interference Prevention of NNZAS 2885 Pipelines – Gas and Liquid Petroleum will be required by other regulations.</p> <p>The Resource Management (National Environmental Standard for Telecommunication Facilities) Regulations 2016 applies to the installation and operation of telecommunication facilities.</p>	<p>Complies:</p> <p>New underground telecommunications facilities will be installed to service the development and will be in accordance with NZECP34:2001 requirements.</p>
<p>INF-MENU-R27</p> <p>All permitted activities in all zones, including network utilities.</p> <p>(permitted activity)</p>	<p>1. Development must be undertaken in accordance with the Council's Land Development Minimum Requirements.</p>	<p>N/A – the proposal is not provided for as a permitted activity. Compliance with the LDMR has been addressed within Rule SUB-DW-R33 below.</p>
<p>INF-MENU-R28</p> <p>Any new and relocated residential buildings on land where potable public water supply is available.</p> <p>(permitted activity)</p>	<p>1. All new or relocated residential buildings where potable public water supply is available to a residential building must be fitted with one of the following:</p> <ol style="list-style-type: none"> a. rainwater storage tanks with a minimum capacity of 10,000 litres for the supply of non-potable water for outdoor uses and indoor toilets; or b. rainwater storage tanks with a minimum capacity of 4,000 litres for the supply of non-potable water for outdoor areas and indoor toilets, and a greywater re-use system for outdoor irrigation. The greywater re-use system shall re-use all water from bathrooms (excluding toilets) and laundry washing machines. <p>Standards 2 – 4 relate to greywater re-use systems.</p> <p>5. All new or relocated residential buildings where a rainwater storage tank supplies toilets must be fitted with separate plumbing, including backflow prevention devices.</p> <p>6. Where a development will contain more than one residential building, e.g. a retirement home or village or a multi-unit residential</p>	<p>Does not comply:</p> <p>For 41 units, 410,000L of rainwater storage would be required. The proposal includes 20,000L of communal storage to service the communal outdoor and refuse areas.</p> <p>No greywater re-use system is proposed.</p> <p>Non-compliance with this standard is a <u>restricted discretionary activity</u> pursuant to Rule INF-MENU-R35.</p>

	<p>development, a common rainwater storage facility with a volume of 10,000 litres per residential unit (as determined by the residential unit measurement criteria) can be provided so long as access to operate and maintain the facility is secured via an easement or it is located within an area of 'common property'.</p>	
	<p>7. Rainwater and greywater systems must be constructed in accordance with the Kapiti Coast Rainwater and Greywater Code of Practice 2012.</p>	
<p>INF-MENU-R35</p> <p>Any new and relocated residential building, that does not comply with any one or more of the permitted activity standards under INF-MENU-R28.</p> <p>(restricted discretionary activity)</p>	<p>1. An assessment that demonstrates the system proposed will permanently reduce water demand associated with the residential unit(s) by at least 30% from Household 2007 summer average water use.</p> <p>2. The provision of a non-potable supply for all outdoor uses associated with the residential unit, including garden irrigation.</p> <p>3. Provision must be made to ensure that no outdoor taps can be connected to the potable public water supply system.</p>	<p>Does not comply:</p> <p>Whilst it is anticipated that water demand associated with the residential units will be less than 30% of the Household 2007 summer average water use, the proposal does not include a non-potable supply for individual units, and outdoor taps will be connected to potable water supply. As discussed further in Section 4.2 below.</p> <p>Non-compliance with these standards is a <u>non-complying activity</u> pursuant to Rule INF-MENU-R37.</p>
<p>TR – Transport</p>		
<p>TR-R2</p> <p>Vehicle movements (permitted activity)</p>	<p>1. Up to 200 vpd in the Working Zones</p> <p>2. In all other zones, any activity must not generate more than 100 vpd, except extractive industries that are provided for as a restricted discretionary activity under EW-EXT-R13.</p> <p>3. Standards 1 and 2 above shall not apply to temporary events or regular markets.</p>	<p>N/A – the subject site is not within a Working Zone.</p> <p>Does not comply:</p> <p>Vehicle movements associated with the proposal will exceed 100 per day.</p> <p>Non-compliance with this standard is a <u>restricted discretionary activity</u> pursuant to TR-R10.</p> <p>N/A – the proposal does not include a temporary event or regular market.</p>
<p>TR-R3</p> <p>Site access and loading. (permitted activity)</p>	<p>1. Access - every site must provide either:</p> <p>a. vehicular access over land or by mutual right of way or service lane for parking and/or loading and shall be in accordance with TR-Diagram - 2; or</p> <p>b. for sites with no carparking or loading spaces, pedestrian access over land or by mutual right of way with a minimum 1.8</p>	<p>Complies:</p> <p>All lots will have vehicular and pedestrian access to Mazengarb Road via the proposed private road (right of way).</p>

	metre legal width may be provided as an alternative to vehicle access.	
	<p>2. Vehicle access and pedestrian access - all vehicle accesses and pedestrian accesses must be designed, constructed and maintained to ensure that:</p> <ol style="list-style-type: none"> they are able to be used in all weather conditions; they have no adverse impact on the roadside drainage system; and surface water and detritus (including gravel and silt) does not migrate onto the highway pavement. 	<p>Complies:</p> <p>Vehicle and pedestrian access has been designed to comply with standards a-c.</p>
	<p>3. Vehicle access - all vehicle accesses must meet the following:</p> <ol style="list-style-type: none"> be a minimum of 3.5 metres wide, except for as set out in TR-Table 1. be a maximum of 9 metres wide 	<p>Complies:</p> <p>The private road from Mazengarb Road is 5.8m wide, whilst the laneway in the southwestern corner is 4.5m wide.</p>
	<p>4. Vehicle access - sites containing non-residential activities and which provide more than 6 carparks, shall provide two-way vehicle accesses which must be a minimum of 6 metres wide.</p>	<p>N/A – the application does not pertain to non-residential activities.</p>
	<p>5. Vehicle access to/from a state highway - sites that only have vehicle access via a state highway must only have one crossing point and shall be in accordance with Diagrams TR-Diagram - 1 and TR-Diagram - 2.</p>	<p>N/A – the application does not access to / from a State Highway.</p>
	<p>6. Vehicle access spacing - at intersections (except on strategic arterial routes) carrying traffic volumes of 1,000 vehicles or more in any peak hour, or at which traffic signals are operating, no part of a crossing point must be located within 30 metres of an intersection or within 60 metres on the departure side of an urban state highway intersection.</p>	<p>Complies:</p> <p>There are no signalised intersections or intersections carrying more than 1,000vph on Mazengarb Road in the vicinity of the Site.</p>
	<p>7. Vehicle access spacing - Where a site is located near an intersection having volumes less than 1,000 vehicles in any peak hour; the minimum distance between the crossing point and the roadway edge or kerb line must be:</p> <ol style="list-style-type: none"> 9 metres measured from the intersecting point of the kerb lines or road edge lines or 4.5 metres from the tangent point of the kerb lines or road edge whichever is greater; and 12 metres where a "Stop" or "Give Way" control exists on the roadway measured from the intersecting point of the kerb lines or road edge lines. 	<p>Complies:</p> <p>The proposed private road connection to Mazengarb Road is located approximately 14m from the Stella Court intersection and 16m from the shared driveway on the opposite side of the road.</p>

	<p>8. Vehicle access spacing for major traffic activities - no crossing point must be located closer to any intersection than the distance specified in TR-Table 2 - Access Distance Dimensions. Distances are measured in metres (m) to the intersecting kerb line.</p>	<p>Does not comply:</p> <p>As the proposed development is deemed a major traffic activity and Mazengarb Road is classified as a Major Community Connector, any site access must be located no closer than 30m to a local road intersection. The proposed Site driveway is approximately 14m from the Stella Court intersection.</p> <p>Non-compliance with this standard is a <u>discretionary activity</u> pursuant to Rule TR-R11.</p>
	<p>9. Vehicle access spacing sight distances - the required minimum sight distance between the vehicle access and the road must be in accordance with TR-Diagram - 3 and TR-Table 3 - Sight Distance Dimensions} (where m = metres) 50km/h: 50m</p>	<p>Complies:</p> <p>The proposed access achieves the minimum 50m sightlines in each direction on Mazengarb Road.</p>
	<p>10. Vehicle access spacing for state highways</p>	<p>N/A – there are no intersections to / from State Highway or rural road in proximity to the subject site.</p>
	<p>11. The minimum separation distances between vehicle access to/from a state highway/rural road and an intersection on that state highway/rural road.</p>	
	<p>12. Manoeuvring –</p> <p>a. Private residential access - unless the driveway accesses directly from a Neighbourhood Access Route, sufficient manoeuvring space must be provided on-site to ensure no reversing onto the road is necessary. Note: for clarification see the Transport Network Hierarchy.</p> <p>b. Commercial properties – must ensure that all buildings and parking areas are designed so that sufficient manoeuvring space is provided on-site to ensure no reversing onto the road is necessary.</p>	<p>Complies:</p> <p>Vehicles can enter and exit Mazengarb Road in a forward-facing motion.</p>
	<p>13. Loading spaces - every property in all Working Zones.</p>	<p>N/A – the subject site is not within a working zone.</p>
	<p>14. Landscaping - for all non-residential activities, any parking, loading or trade vehicle storage area must be separated from adjoining sites by a minimum depth of 2 metres of landscaping.</p>	<p>N/A – the application pertains to residential activities.</p>
	<p>15. Landscaping - all landscaping adjoining the road boundary of subject sites, must be designed and maintained so that visibility to and from the crossing point complies at all</p>	<p>Will comply:</p>

		discretionary activity pursuant to Rule NH-FLOOD-R11.
	<p>3. In a stream corridor or river corridor (excluding fill which is addressed in NH-FLOOD-R15), earthworks:</p> <p>a. shall not exceed 10m³ in any 10 year period. This standard applies whether in relation to a particular work or as a total or cumulative; and</p> <p>b. must be carried out by Wellington Regional Council, Kāpiti Coast District Council, the Department of Conservation or their nominated contractors.</p>	N/A – there is no stream or river corridor within the subject site.
SUB-DW – District Wide Subdivision Matters		
<p>SUB-DW-R25</p> <p>Subdivision of land creating new allotments in the General Residential Zone that complies with all controlled activity standards under rule SUB-RES-R33.</p> <p>(controlled activity)</p>	<p>Hydraulic Neutrality</p> <p>1. Stormwater systems must be designed to ensure that the stormwater runoff from all new impermeable surfaces will be disposed of or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development situation for the 50%, 20%, 10% and 1% Annual Exceedance Probability flood events.</p>	<p>Complies:</p> <p>Stormwater runoff will be managed on site so that peak stormwater runoff does not exceed pre-development levels.</p>
	<p>2. Existing waterbodies and stormwater detention areas must be retained.</p>	N/A – there are no existing waterbodies or stormwater detention areas on site.
	<p>Underground Services</p> <p>3. Where any subdivision of land involves the construction of a new road or the extension of an existing road all electric, gas and telecommunication services to the land in the subdivision shall be reticulated underground.</p>	<p>Complies:</p> <p>Underground reticulated services will be provided throughout the development.</p>
	<p>Water Supply</p> <p>4. All new allotments, other than allotments for access, roads, utilities or reserves, where the allotments are in or adjoining areas which are served with a Council reticulated water supply, must be provided with a connection to the Council reticulated water supply laid to the boundary of the allotment.</p>	<p>Complies:</p> <p>All new residential allotments will be provided with a connection at the boundary to Council's reticulated water supply.</p>
	<p>Effluent Disposal</p> <p>5. All new allotments, other than allotments for access, roads, utilities or reserves, where the allotments are in or adjoining areas which are served by the public wastewater reticulation and treatment system must be provided with a piped sewage outfall for disposing of sanitary sewage to a reticulated</p>	<p>Complies:</p> <p>All new residential allotments will be provided with a connection at the boundary to Council's reticulated wastewater supply using a hybrid of low-pressure sewer and gravity network.</p>

	system, laid to the boundary of each allotment.	
	Telecommunication and Electricity Supply 6. Provision must be made to the boundary of each proposed allotment for a connection to a telecommunication network and energy supply network.	Complies: All new residential allotments will be provided with connections to telecommunications and electricity.
SUB-DW-R9 Subdivision of land with peat or sand soils. (controlled activity)	1. Geotechnical information must be provided by a suitably qualified and experienced person (to building consent level) on liquefaction risk.	Complies: The subject site comprises sand soils, as such a geotechnical assessment has been prepared by Torlesse and is included at Appendix I .
SUB-DW-R7 Subdivision where any part of the land contains flood storage, ponding, residual ponding or shallow surface flow areas. (restricted discretionary activity)	1. Each vacant allotment shall have a building area located outside any river or stream corridor, overflow path or residual overflow path.	Complies: There are no identified river / stream corridors, overflow or residual overflow paths on the subject site.
	2. The building area for each vacant allotment shall be located above the estimated 1% AEP flood event level.	N/A – the subdivision will be around existing dwellings.
	3. Formed vehicle access does not adversely affect the 1% AEP flood hazard risk on other properties in the same flood catchment.	Complies: Runoff created by roading / vehicle access will be managed via soak pit and compensatory storage.
	4. Compliance with all other relevant subdivision rules and standards in other chapters.	Refer to assessment table.
SUB-RES – Subdivision in Residential Zones		
SUB-RES-R33 Except as provided for under Rule SUB-RES-R25, subdivision of land within the General Residential Zone or High Density Residential Zone. (controlled activity)	1. Where the parent allotment contains an existing residential unit: a. the subdivision must not increase the degree of any non-compliance with Rules GRZ-R33, GRZ-R34, HRZ-R6 or HRZ-R7; or b. the subdivision must comply with an approved land use resource consent.	Complies: Each proposed allotment will be associated with an approved by the land use consent.
	2. Where the parent allotment does not contain an existing residential unit: a. it must be demonstrated that it is practicable to construct residential units on the parent allotment that comply with Rules GRZ-R33, GRZ-R34, HRZ-R6 or HRZ-R7; or b. the subdivision must comply with an approved land use resource consent.	
	3. Each allotment must have legal and physical access to a legal road.	Complies: Each allotment will be provided with legal and physical access to Mazengarb Road via the proposed private road.

	<p>4. Each vacant allotment must have a flood free building area above the estimated 1% Annual Exceedance Probability flood event.</p>	<p>N/A – the proposed subdivision will be around constructed dwellings.</p>
	<p>Minimum Allotment Size and Shape Factor</p> <p>5. Compliance with SUB-RES-Table 1</p> <p>Allotments associated with an approved land use consent: no minimum size, shape or average.</p> <p>Vacant allotments: Minimum 420m² area and 13m diameter circle shape factor.</p>	<p>Does not comply:</p> <p>No minimum or average lot area or shape factor is required for Lot 1 – 41 as each lot will be around a consented dwelling.</p> <p>Lot 201 – 214 do not comply with the minimum allotment size or shape factor as they each comprise a single carparking space.</p> <p>Non-compliance with this standard is a <u>discretionary activity</u> pursuant to Rule SUB-RES-R30.</p>
	<p>Infrastructure, Access and Services</p> <p>6. Access, water supply, wastewater and stormwater drainage systems, and underground power and telecommunications must be provided in accordance with the Council's Land Development Minimum Requirements.</p>	<p>Complies:</p> <p>Access, water supply, wastewater and stormwater drainage systems, and underground power and telecommunications will be provided for in accordance with the LDMR.</p>
	<p>7. The maximum number of allotments gaining legal and physical vehicle access by rights of way shall be 6.</p>	<p>Does not comply:</p> <p>The proposed private road (right of way) services 41 lots.</p> <p>Non-compliance with this standard is a <u>discretionary activity</u> pursuant to Rule SUB-RES-R30.</p>
	<p>8. Access to all allotments must comply with the standards in the Transport chapter.</p>	<p>Does not comply:</p> <p>Refer to assessment above.</p> <p>Non-compliance with this standard is a <u>discretionary activity</u> pursuant to Rule SUB-RES-R30.</p>
	<p>9. Within the General Residential Zone at Te Horo Beach, a firefighting water supply must be provided which complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</p>	<p>N/A – the subject site is not within the General Residential Zone at Te Horo Beach.</p>
	<p>10. Wastewater disposal – non-sewered allotments</p>	<p>N/A – each allotment will be connected to reticulated wastewater.</p>
	<p>11. Land within the County Road Ōtaki Precinct</p>	<p>N/A – the subject site is not within the County Road Ōtaki Precinct.</p>
	<p>12. Esplanades</p>	<p>N/A – no esplanade reserve or strip is required as per Table SUB-DW-Table 1.</p>

	Financial Contributions 13. Compliance with FC-Table 1	Will comply. Financial contributions will be applicable for the additional units of demand created by this proposal.
EW – Earthworks		
EW-R2 Earthworks, excluding those listed in EW-R3, in all areas except areas subject to flood hazards, outstanding natural features and landscapes, ecological sites, geological features, areas of outstanding natural character, areas of high natural character. (permitted activity)	1. Earthworks must not be undertaken: a. on slopes of more than 28 degrees; or b. within 20 metres of a waterbody, including wetlands and coastal water.	Complies: Earthworks will not be undertaken on slopes greater than 28°. There are no waterbodies in proximity to the site.
	2. In all other areas except as provided for in Standard 3, earthworks must not: a. disturb more than 50m ³ (volume) of land per subject site in residential zones, working zones, natural open space zones and open space zones (excluding the Private Recreation and Leisure Precinct) within a 5 year period; b. disturb more than 100m ³ (volume) of land per subject site in rural zones within a 5 year period; and c. alter the original ground level by more than 1 metre, measured vertically. This standard applies whether in relation to a particular earthwork or as a total of cumulative earthworks within the specified period.	Does not comply: Earthworks comprise 1,300m ³ of cut and 3,300m ³ of fill and alter the ground level by up a maximum of 2m. Non-compliance with this standard is a <u>restricted discretionary activity</u> pursuant to Rule EW-R5.
	3. Earthworks for the construction of permitted telecommunications and radio communication facilities, and their maintenance, renewal and minor upgrading outside legal road.	N/A – the proposed earthworks do not pertain to telecommunications or radio facilities.
	4. Standards 1 and 2 under this rule do not apply to: Standards a – j	N/A – the proposed earthworks are not exempt under this standard.
	5. Any earthworks must ensure that: a. Surface runoff from the subject site is isolated from other subject sites and existing infrastructure; and b. The potential for silt and sediment to enter the stormwater system or waterbodies in surface runoff from the subject site, is minimised; and c. Erosion and sediment control measures are installed and maintained for the duration of the construction period, where necessary.	Will comply: Earthworks will be undertaken in accordance with standards a-c, as detailed within the Preliminary CEMP (Appendix E).
	6. Accidental Discovery Protocol (HH-Table 1) to be followed for any accidental discovery of a waahi tapu or other cultural site. a. Accidental Discovery Protocol – should a waahi tapu of other cultural site be	Will comply: In the event of a discovery, accidental discovery protocol will be followed.

	<p>unearthed during earthworks the contractor and/or owner must:-</p> <ol style="list-style-type: none"> i. cease operations; ii. inform local iwi; iii. inform Heritage New Zealand and apply for the appropriate authority if required; iv. take appropriate action, after discussion with Heritage New Zealand, Council and Iwi to remedy damage and/or restore the site. 	
	7. Standards (2) and (3) do not apply to earthworks required to effect a subdivision of land in the Ōtaki South Precinct under SUB-WORK-R46.	N/A – the subject site is not within the Ōtaki South Precinct.
NOISE – Noise		
<p>NOISE-R10</p> <p>Noise from activities associated with construction or demolition.</p> <p>(permitted activity)</p>	1. Construction noise must be measured and assessed in accordance with, and must comply with, <i>NZS 6803:1999 Acoustics – Construction Noise</i> .	<p>Will comply:</p> <p>Construction will be undertaken in accordance with <i>NZS 6803:1999 Acoustics – Construction Noise</i>.</p>
GRZ – General Residential Zone		
<p>GRZ-R1</p> <p>Any activity that is a permitted activity under the rules in this chapter.</p> <p>(permitted activity)</p> <p><i>Note: Whilst this rule is technically not applicable as the activity is not a permitted activity, it has been assessed for completeness.</i></p>	1. The activity must not cause offensive or objectionable odour, dust or smoke at or beyond the boundary of the site on which it is occurring.	<p>Complies:</p> <p>The proposed residential development will not cause odour, dust or smoke at or beyond the boundary.</p>
	2. Each allotment must have a permeable surface area that is not covered by buildings, paving or other impermeable objects of not less than 30% of the total allotment area.	<p>Does not comply:</p> <p>The proposed permeable surface area across the development is 25.5% of the site.</p>
	3. Any lighting must be directed so that the spill of light is contained within the boundaries of the site on which the activity occurs. Light level from the activity must not exceed 10 lux, when measured 1.5 metres inside the boundary of any other site located in the Residential Zones or Rural Zones. This standard does not apply to street lighting on legal roads.	<p>Complies:</p> <p>Lighting will be directed so that it is contained within the boundary of the site and not exceed 10 lux when measured from 1.5m within the boundary.</p>
<p>GRZ-R3</p> <p>Fences and Walls</p> <p>(permitted activity)</p>	<p>1. The maximum height of any fence or wall on a boundary shall be 2 metres, except:</p> <ol style="list-style-type: none"> a. in the front yard, where the maximum height shall be 1.8 metres; b. in the front yard in the Waikanae Beach Precinct where the maximum height shall be 1.8 metres if it is at least 50% visually permeable otherwise the maximum height shall be 1.2 metres; 	<p>Does not comply:</p> <p>Fencing will not exceed 1.8m above finished ground level, however given the proposed earthworks to raise ground levels at the northern, southern and eastern boundaries</p>

	<p>c. along any boundary which adjoins any Natural Open Space or Open Space Zone (excluding the Private Recreation and Leisure Precinct), esplanade or any access strip, where the maximum height shall be 1.8 metres.</p> <p>2. For the purposes of calculating maximum height under standard (1) above where a fence is erected atop a retaining wall, the height shall be the combined distance measured vertically from the base of the retaining wall to the top of the fence.</p>	<p>these will exceed 1.8m above original ground level.</p> <p>Non-compliance with this standard is a <u>restricted discretionary activity</u> pursuant to Rule GRZ-R12.</p>
<p>GRZ-R33 New buildings and structures, and any minor works, additions or alterations to any building or structure.</p> <p>The following are excluded from this rule:</p> <ul style="list-style-type: none"> Buildings and structures within the Coastal Qualifying Matter Precinct (refer rule GRZ-R6) Buildings and structures within the Ōtaki Takiwā Precinct (refer rule GRZ-R34) Papakāinga (refer rules GRZ-R35 or GRZ-R39) Minor Buildings 	<p>1. There must be no more than 3 residential units or retirement units per site.</p> <p>2. Buildings and structures must not exceed:</p> <p>a. 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more</p> <p>Height in relation to boundary</p> <p>3. Buildings and structures must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</p> <p>This standard does not apply to:</p> <p>a. a boundary with a road;</p> <p>b. existing or proposed internal boundaries within a site;</p> <p>c. site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</p> <p>Setbacks</p> <p>4. Buildings and structures must be set back from the relevant boundary by:</p> <p>Front: 1.5m</p> <p>Side and Rear: 1m</p>	<p>Does not comply: 41 residential units are proposed. Post-subdivision, there will be a single residential unit per site.</p> <p>Non-compliance with this standard is a <u>restricted discretionary activity</u> pursuant to Rule GRZ-R37.</p> <p>Complies: Maximum height is of the two-storey dwellings (Type C) is 6.1m, as ground level is raised by no more than 2m, each dwelling will be less than 11m above original ground level.</p> <p>Does not comply: The units along the southern boundary breach the height recession plane by up to 1.8m, as detailed in Sheets RC30 – 32 of the Architectural Plans.</p> <p>Non-compliance with this standard is a <u>restricted discretionary activity</u> pursuant to Rule GRZ-R36.</p> <p>Complies: Each building and structure is setback by over 1m from side and rear boundaries, and 1.5m from the road boundary.</p>

	<p>Building Coverage</p> <p>5. The maximum building coverage must not exceed 50% of the net site area.</p>	<p>Complies: The proposed building coverage is 33.3% of the net site area.</p>
	<p>Outdoor living space (per unit)</p> <p>6. A residential unit or retirement unit at ground floor level must have an outdoor living space that is at least 20m² and that comprises ground floor, balcony, patio, or roof terrace space that:</p> <ol style="list-style-type: none"> a. where located at ground level, has no dimension less than 3 metres; and b. where provided in the form of a balcony, patio, or roof terrace, is at least 8m² and has a minimum dimension of 1.8 metres; and c. is accessible from the residential unit or retirement unit; and d. may be: <ol style="list-style-type: none"> i. grouped cumulatively by area in 1 communally accessible location; or ii. located directly adjacent to the unit; and e. is free of buildings, parking spaces, and servicing and manoeuvring areas. 	<p>Complies: Each unit is provided with a compliant outdoor living space, demonstrated on throughout the architectural and landscape drawings.</p>
	<p>7. A residential unit or retirement unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace</p>	<p>N/A – the application does not pertain to residential units above ground floor.</p>
	<p>Outlook space (per unit)</p> <p>8. An outlook space must be provided for each residential unit or retirement unit as specified in this standard</p> <p>Minimum 4m x 4m from principle living room, 1m x 1m from other habitable rooms.</p>	<p>Complies: Each proposed unit will have complying outlook space from the principle living room and remaining habitable rooms.</p>
	<p>Windows to Street</p> <p>9. Any residential unit or retirement unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</p>	<p>Does not comply: Units 1 – 5 and 40 – 41 face Mazengarb Road, these units will either be typology E1 or E2.</p> <p>Typology E1 has 20.1% of the front façade in glazing whilst E2 has 17%. As such, non-compliance is sought for these units to have a minimum of 17% glazing.</p> <p>Non-compliance with this standard is a <u>restricted discretionary activity</u> pursuant to Rule GRZ-R36.</p>
	<p>Landscaped area</p> <p>10. A residential unit or retirement unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy</p>	<p>Does not comply: The proposed area of grass or planting is 14.2% of the developed site. However, an additional 27.1% of the site is artificial grass, which appears as landscaped area.</p>

	of trees regardless of the ground treatment below them.	Non-compliance with this standard is a <u>restricted discretionary activity</u> pursuant to Rule GRZ-R36.
	11. The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit or retirement unit.	

District Plan Status

Infrastructure

As the proposal does not provide 10,000L water re-use tanks and proposed outdoor taps connected to the public water supply, the application is a **non-complying activity** pursuant to Rule INF-MENU-R37.

Transport

As the proposed 41 residential units will exceed 100 vehicle movements per day, the proposed development is deemed a major traffic activity, which is provided for as a **restricted discretionary activity** pursuant to Rule TR-R10, where Council are restricted to the following matters of discretion:

1. *Consistency with Policies TR-P1, TR-P2 TR-P3, TR-P4, TR-P5, TR-P6, TR-P7 & TR-PARK-P8.*
2. *Consistency with Council's Land Development Minimum Requirements.*
3. *The extent to which the Transport Assessment is consistent with Policies TR-P1, TR-P2 TR-P3, TR-P4, TR-P5, TR-P6, TR-P7 & TR-PARK-P8 and Council's Land Development Minimum Requirements.*
4. *The extent to which the content of the Travel Plan is consistent with TR-P1, TR-P2 TR-P3, TR-P4, TR-P5, TR-P6, TR-P7 & TR-PARK-P8 and Council's Land Development Minimum Requirements.*

The proposal complies with the bulk of the permitted activity standards outlined in Rule TR-R3 with respect to access and loading, however as the proposed access point is less than 30m from the Stella Court / Mazengarb Road intersection, the proposal is a **discretionary activity** pursuant to Rule TR-R11.

Throughout construction, it is proposed to park construction vehicles on site for periods exceeding 12 consecutive hours and more than twice per week, in the General Residential Zone this permanent parking is a **non-complying activity** pursuant to Rule TR-R16.

Natural Hazards

As the subject site is identified as being within a ponding flood hazard, where earthworks exceed 20m³ and alter the ground level by more than 1m, the proposed earthworks are a **restricted discretionary activity** pursuant to Rule NH-FLOOD-R11, where Council are restricted to the following matters of discretion:

1. *The effect of the earthworks on the effective functioning of the overflow path, residual overflow path or ponding or shallow surface flow.*
2. *The avoidance or mitigation of adverse effects on the effective functioning of the overflow path, residual overflow path or ponding or shallow surface flow.*

District-Wide Subdivision Matters

The proposed subdivision will be undertaken around the constructed dwellings. Subdivision within the General Residential Zone is provided for as a **controlled activity** pursuant to Rule SUB-DW-R25 as the controlled activity standards have been met. Pursuant to Rule SUB-DW-R25, Council's matters of control are:

5. *Those matters listed under rule SUB-RES-R33 in the Subdivision in Residential Zones chapter;*
6. *The degree of compliance with Council's Land Development Minimum Requirements;*
7. *The provision of grassed swales to direct road-run-off (instead of concrete kerb and channel) where grassed swales would be functional and in keeping with the surrounding environment.*

As the subject site is subject to a ponding flood hazard, the proposal is a **restricted discretionary activity** pursuant to Rule SUB-DW-R7, with Council being restricted to the following matters of discretion:

1. *The design and layout of the subdivision.*
2. *Council's Land Development Minimum Requirements.*
3. *The imposition of financial contributions in accordance with the Financial Contributions chapter.*
4. *The location of any building platform or area relative to the natural hazards, historic heritage features, ecological sites, outstanding natural features and landscapes, and geological sites.*
5. *The location and design of any servicing of the subdivision.*
6. *The extent and effects of earthworks.*

The proposal is a **controlled activity** pursuant to Rule SUB-DW-R9, as a Geotechnical Report has been supplied alongside the resource consent application. Council's matters of control are listed as:

1. *The outcomes of the geotechnical investigation on liquefaction risk.*
2. *Whether the potential risk to the health and safety of people, and property from liquefaction can be avoided or mitigated.*
3. *The design and layout of the subdivision including earthworks, servicing and the location of any building platforms.*
4. *Council's Land Development Minimum Requirements.*
5. *The imposition of financial contributions in accordance with the Financial Contributions chapter.*

Subdivision in Residential Zones

As the proposal does not meet the controlled activity standards for subdivisions within the General Residential Zone set out in SUB-RES-R33, the proposed subdivision is a **discretionary activity** pursuant to Rule SUB-RES-R30.

Earthworks

As the proposed earthworks exceed the permitted activity standards with respect to volume and maximum vertical change, the proposed earthworks are a **restricted discretionary**

activity pursuant to Rule EW-R5, with Council being restricted to the following matters of discretion:

1. *The degree of compliance with the Kāpiti Coast District Council Land Development Minimum Requirements.*
2. *The effects on water collection areas.*
3. *The degree of compliance with any applicable Environmental Management Plan or Structure Plan applicable to the development.*
4. *Ecological effects.*
5. *Visual and amenity effects.*

General Residential Zone

As the proposed fencing will exceed 1.8m above original ground level as a result of the proposed earthworks, the fencing is a restricted discretionary activity pursuant to Rule GRZ-R12, with Council being restricted to the following matters of discretion:

1. *Consideration of the effects of the standard not met.*
2. *Measures to avoid, remedy or mitigate adverse effects.*
3. *Cumulative effects.*

As the proposed residential units do not comply with Standards 3, 9 and 10 of Rule GRZ-R33, the proposal is a **restricted discretionary activity** pursuant to Rule GRZ-R36, with Council being restricted to the following matters of discretion:

1. *The matters contained in the Land Development Minimum Requirements.*
2. *Consideration of the effects of the standard not met.*
3. *The imposition of financial contributions in accordance with the Financial Contributions Chapter.*

As the proposal includes more than three dwellings constructed on a single site, the proposal is a **restricted discretionary activity** pursuant to Rule GRZ-R37, with Council being restricted to the following matters of discretion:

1. *The relevant matters contained in the Residential Design Guide in Appendix 24.*
2. *The matters contained in the Land Development Minimum Requirements.*
3. *Site layout.*
4. *Building density, form and appearance.*
5. *Streetscape.*
6. *Landscaping.*
7. *Reverse sensitivity.*
8. *Transport effects.*
9. *Where the site is located adjacent to a Place and Area of Significance to Māori identified in Schedule 9, effects on cultural values.*
10. *Where the site is located adjacent to a site containing a historic heritage feature, effects on historic heritage values.*
11. *The imposition of financial contributions in accordance with the Financial Contributions Chapter.*

2.6 PERMITTED BASELINE FOR THE SITE

The permitted baseline allows a consent authority to disregard the adverse effects of a proposed activity where the relevant plan or a national environmental standard permits an activity with the same effect. It is up to the consent authority whether it applies the permitted baseline in a particular case.

There is no relevant permitted baseline with respect to subdivision, as subdivisions are not provided for as a permitted activity.

With respect to earthworks, a permitted baseline would refer to earthworks which do not exceed 50m³ or alter the ground level by more than 1m, or where earthworks do not extend beyond 2m of the foundation line of a building with an approved building consent.

With respect to a permitted land use development, three residential dwellings are permitted per allotment, where the following permitted activity standards for new dwellings is met:

- Maximum height of 11m;
- Height recession plane measured at 4m + 60°;
- Minimum setbacks of 1.5m from a front boundary and 1m from side and rear boundaries;
- Maximum 50% building coverage;
- Outdoor living space of at least 20m² with no dimension less than 3m;
- Outlook space of 4x4m from principal living room and 1x1m from other habitable rooms;
- 20% street-facing façade in glazing;
- 20% landscaped area.

A set of permitted baseline drawings have been prepared by DGSE (Sheet RC24, **Appendix B**), demonstrating three larger dwellings with detached garages which are similar to the pattern of development in the wider neighbourhood. This holds relevance when considering the potential bulk and location, privacy, shading and intensity effects of the proposed development, noting that the effects of a larger residential dwelling are often comparable to a number of smaller residential dwellings.



Figure 14. Permitted baseline development (refer to Appendix B for further detail)

2.7 NATIONAL ENVIRONMENTAL STANDARDS

Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

Under National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS), if a site has been the subject of an activity or industry described in the Ministry for the Environment’s Hazardous Activities and Industries List (‘HAIL’) then the NESCS warrants further consideration. It is our understanding that no previous activities have occurred on the site which are identified on the HAIL list. As such, the site is considered to not be contaminated and an assessment of the proposed activity against the requirements of the National Environmental Standard is not required for this proposal.

All Other National Environmental Standards

It is also considered that the National Environmental Standards pertaining to air quality, telecommunication facilities, sources of drinking water, electricity transmission, commercial forestry, storing tyres outdoors, industrial process heat, freshwater and marine aquaculture are not applicable to this proposal.

2.8 OTHER CONSENTS

Resource consent will be required from GWRC for the following:

- Discharge consent pursuant to Rule 50 of the Natural Resources Plan (NRP) for stormwater from a new subdivision (restricted discretionary activity);
- Land use consent pursuant to Rule 107 of the NRP for earthworks exceeding 3,000m² within a 12 month period (discretionary activity).

These consents have not yet been applied for but will be sought shortly after lodgement of this application.

2.9 OVERALL STATUS OF APPLICATION

Overall, the proposed land use component of the proposal is a non-complying activity, whilst the subdivision is a discretionary activity. Given the land use is an integral component of the subdivision, it is considered appropriate to bundle these activities using the **non-complying activity** status.

SECTION 3

NOTIFICATION ANALYSIS & CONSULTATION

3.1 SECTIONS 95A AND 95D PUBLIC NOTIFICATION ANALYSIS

Section 95A specifies that a consent authority must follow the four-step process (set out in section 95A) in the order given, to determine whether to publicly notify an application.

It is considered that the proposal is not required to be publicly notified for the following reasons in accordance with the prescribed steps.

Step 1: mandatory public notification in certain circumstances:

- The applicant has not requested public notification
- Public notification is not required under section 95C
- The application has not been made jointly with an application to exchange recreation reserve.

Step 2: if not required by step 1, public notification precluded in certain circumstances:

- Public notification is not precluded as the application is for a discretionary and non-complying activity which is not a boundary activity.

Step 3: if not precluded by step 2, public notification required in certain circumstances:

- Public notification is not required. The proposed activity is not subject to a rule or national environmental standard that requires public notification, and it is the case of this AEE that the potential adverse effects on the environment are less than minor for the reasons outlined below:
- Note that for the purposes of considering adverse effects on the 'environment' under section 95A, the consent authority must, subject to section 91D(a) of the RMA, disregard adverse effects on any person who owns or occupies land in, or on or over which the activity will occur, or any land adjacent to that land.
- The meaning of adjacent land is land in or next to the project site but doesn't necessarily need to share a common boundary. The [Environmental Protection Authority](#) have a useful guide to determining adjacent. The persons living or owning the adjacent land, have been duly considered under section 95B below, and therefore have not been considered in the effects assessment under section 95A.

Neighbourhood Character and Amenity Effects

One of the core matters for consideration with respect to the land use component of the proposal is the effects on the character and amenity of the surrounding area and streetscape.

The existing character surrounding the subject site is predominantly residential, albeit at a lower density than the proposed development, with surrounding properties comprising a mix of detached single storey residential dwellings, and semi-attached duplexes. As a multi-unit development, the application represents a typically higher density than currently exists in the immediately surrounding area, however the development has been designed to integrate with the surrounding neighbourhood without detracting from the residential amenity of the area, noting that as it stands, the site is an outlier in the surrounding context, appearing as more of a Rural Lifestyle property in the midst of standard residential development. Whilst the proposed development is uncommon in the immediately surrounding area, similar examples of higher density developments are becoming more common in the wider residential area as can be seen throughout the Paraparaumu, for example at Aotea Avenue, 4 Kāpiti Road and recently consent at 240 Kāpiti Road.

With respect to the Mazengarb Road streetscape, the application will present a deviation from the existing streetscape character through the construction of seven street-facing units and a private access road. However, the proposed development is unmistakably residential in nature and situated within an existing residential area. Each building is contemporary, with the design incorporating best practice urban design measures such as the modulation of façades, incorporation of two-storey units to create visual interest and variation in colour palettes between units, utilising neutral palettes which are reflective of the character of the neighbourhood. The detached nature of the dwellings, and the predominantly single-storey typology integrates with the existing pattern of development whilst also help to diversify the range of housing choices available within the District.

The interface between the development and Mazengarb Road has been carefully considered to create a positive interaction for street facing units, with Units 1 – 5 and 40 – 41 all being provided with pedestrian frontages to Mazengarb Road, along with specimen planting within the berms to encourage an active street frontage.

Whilst the proposal does represent a change in the existing character of the site, the proposed development is considered to integrate well with the residential character of the area through the use of variation throughout the façades and built form, active pedestrian frontage to Mazengarb Road, and consolidation with the surrounding residential development. On this basis, any adverse effects on character and amenity within the surrounding Mazengarb Road area are considered to be no more than minor, and potentially a substantial improvement when considering that the existing site that is potentially more out of character than the proposal due to the expansive open space that is unusual in the surrounding area.

Access and Transport Effects

The proposed 41 residential units will see an increase in traffic generation associated with the development, Stantec have prepared an Integrated Transport Assessment (ITA) to address access and transport effects associated with the proposed development, a copy of which is available at **Appendix H**. The primary matters for consideration with respect to access and

transport effects are the proposed access, traffic generation, parking demand and the safety of pedestrian and cyclists, as discussed below.

Access

The proposed development will be accessed via a single new vehicle crossing to Mazengarb Road, sited in between the established vehicle accesses on the opposite side of the road in order to minimise potential conflicts between vehicles turning at these respective accesses. The proposed access has been sited with consideration to the existing vehicle crossings on the Stella Court / Mazengarb Road intersection, the shared driveway on the opposite side of Mazengarb Road, and the pedestrian crossing point to the north of the subject site.

The proposed access is located 14m from the Stella Court / Mazengarb Road intersection and doesn't therefore meet the full minimum 30m separation for an access from an existing intersection on a Major Community Connector road. Right turning traffic exiting these two connections will be separated by around 25m as they turn onto Mazengarb Road, however these right turn volumes involve a small number of movements during peak times (expected to be <10vph for each of the Site and Stella Court), as such Stantec anticipate that these manoeuvres can be safely accommodated safely, both in terms of avoiding any right turn conflicts and negotiating through traffic flows (as evidenced by the lack of recorded crashes on this adjacent section of Mazengarb Road including at the Stella Court intersection).

The shared driveway on the opposite side of Mazengarb Road is separated from the proposed access by 16m and services five dwellings (No. 153 – 159 Mazengarb Road). Instances of potential turning conflicts between this access and the development will be even lower. Accordingly, Stantec have not considered it necessary to mark dedicated right turn bays at these respective driveways to separate associated turn movements, with the existing flush median able to accommodate turning traffic appropriately, as it does at other shared driveways along this road corridor.

Whilst the subject site maintains compliant sightlines in either direction without mitigation, noting that sightlines at driveways can technically extend through vehicles parked at the kerbside, Stantec have recommended that dashed yellow lines are installed along the western side of Mazengarb Road, along the length of the site frontage to ensure that sightlines are not impeded by kerbside parking. The applicant adopts this recommendation, pending agreement with Council. Initial correspondence with Council's Access and Transport Team is that they are not opposed to this approach, pending a resolution with respect to the cycle lane markings. It is noted that Council intend to upgrade the pedestrian crossing area to the north of subject site to a zebra crossing in the future, to which the installation of dashed lines will further support the functioning of this crossing. An alternative option would be to install green paint and cycle stencils to delineate this space more clearly as a cycle lane, as vehicles should not be parked within cycle lanes which would achieve a similar outcome.

The road frontage to the subject site currently comprises a standard footpath alongside a meandering shared path which runs between the footpath and the subject site boundary. Correspondence has been undertaken with KCDC's Access and Transport team with respect to whether this pathway should be reinstated. Council have confirmed that this path will not need to be reinstated as part of the works, and that in the future Council will look to consolidate the two footpaths and extended the shared path along Mazengarb Road. Initial advice is that

the berm shall be grassed with pedestrian access provided from the units that front Mazengarb Road, a copy of this correspondence is included at **Appendix J**.

Based on the advice from Stantec, I consider any adverse effects associated with the proposed site access is considered to be no more than minor and can function safely without impeding on the surrounding road network.

Traffic Generation

The proposed 41 units represents an increase in traffic generation than currently exists on site, Stantec have estimated vehicle movements associated with the proposal to be around 30 vehicle movements per hour (vph) during the AM peak and 27 vph during the PM peak. This increase will be largely indiscernible beyond the immediately surrounding road network.

In considering the increase in traffic generation in the immediately road network, the proposed access is considered to integrate with the existing road network without noticeably affecting the capacity, function and safety of Mazengarb Road, as discussed above. Sufficient sightlines are available in either direction, with the flush median in the centre of Mazengarb Road allowing right turning vehicles to wait clear of through traffic. When considering the accessibility to / from the site in the context of traffic generation associated with the proposed development and comparing this to the good safety record along the immediately surrounding section of road (Section 2.5 of ITA), it is considered that Mazengarb Road can accommodate the increase in traffic generation without impacting adversely on its safety or performance.

The subject site is suitably located to encourage use of public transport which is available in close proximity to the site. As noted above, the nearest bus stops are located 110 / 150m from the site, being a no more than 4 minute walk and is serviced by route 262 between Paraparaumu and Paraparaumu Beach. This provides a service connecting with the Paraparaumu Railway Station, and key town centres. This will potentially reduce traffic demand and provide alternatives to private vehicle use. In addition, each proposed unit contains suitable storage areas to accommodate a bicycle to encourage cycling as a mode of transport. Given the generally flat topography of Kāpiti, Coast, cycling is an attractive mode of transport for recreation, and access to other services.

Overall, with respect to traffic generation, the findings of Stantec are that the small increase in traffic generation this can be accommodated on the adjacent road network without noticeably effecting the capacity, function and safety of the surrounding streets. On this basis, the effects associated with the proposed development in respect to traffic generation are considered to be no more than minor, both within the immediate context of Mazengarb Road and the wider transport network

Parking Demand

Whilst minimum parking numbers no longer apply for new development, it is acknowledged that residential development on the Kāpiti Coast still sees a demand for carparking. Stantec have identified parking demand within medium density developments to be around 1.2 vehicles per dwelling, which when applied to the proposed development equates to 50 parking spaces. The proposed development includes a total of 43 parking spaces, with each residential unit being provided with an off-street carpark. Whilst the development may see a small demand for parking beyond the development, on-street parking in proximity close to the (College Drive / Stella Court), is readily available to accommodate any occasional overspill (of

around seven vehicles) without materially impacting on existing parking behaviours in these adjacent residential streets.

Further, the subject site is suitably located to utilise active and public transport, with provision for cycle storage available for each unit, reducing the reliance of private vehicles within the development.

When considering the provision of an off-street carparking space for each residential unit, location of the site in proximity to public transport and the cycle network, and capacity for on-street parking in the surrounding area, any effects on parking demand are considered to be no more than minor.

Overall, it is considered that the proposed access can integrate safely with the surrounding road network, the traffic generation can be accommodated within the surrounding network and provides the proposal suitably accommodates off-street parking. On this basis, any access and transport related effects are considered to be no more than minor.

Construction Effects

The construction effects on the wider environment (i.e. excluding adjacent land as per Section 91D(a) of the RMA), are predominately limited to the movement of construction vehicles and traffic, erosion and sedimentation such as earth on the road and potential for sediment to be discharged into nearby waterways (via the local government stormwater network). These are each addressed below.

A description of anticipated construction methodology has been included within the Preliminary CEMP (**Appendix E**), which details the anticipated measures that would be used to control such effects.

It should be noted that construction effects are temporary, and normally anticipated or expected in urban areas. Therefore, the limited duration should also form a mitigation as they will not be ongoing or permanent.

Construction Vehicles

It is anticipated that all construction traffic will enter and exit the site via Mazengarb Road. This will minimise disruption associated with traffic entering or existing via nearby residential streets.

For the reasons outlined in the traffic assessment above, the access for construction traffic is able to be carried out safely and without compromising the function of the nearby roading network.

it is proposed to store construction vehicles on throughout the construction period where possible. Whilst the permanent parking of construction vehicles is not provided for as a permitted activity, it is considered that storing construction vehicles on site will significantly reduce vehicle movements to and from the subject site at the beginning and end of the workdays to allow for a more efficient construction process and minimise parking on nearby residential streets.

With the above measures in place, I consider the effects from construction vehicles including parking on-site during construction to be no more than minor.

Erosion and Sediment Control

Earthworks related effects will be managed to avoid creating a nuisance effect beyond the subject site, with erosion and sediment controls to be installed for the duration of the construction to ensure surface runoff remains within the site boundaries. The earthworks will be undertaken in accordance with stringent measures outlined in the attached CEMP (**Appendix E**).

All practical measures will be undertaken to control erosion and sediment in accordance with best practice – i.e. monitoring weather conditions, control of surface water runoff and silt control fences and will be undertaken in accordance with the appropriate measures and procedures of the GWRC's "*Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*" (ESCG) for the duration of the site works and until the site has been re-stabilised (i.e. through replanting or building/hard surfacing). These details have been outlined within the Preliminary CEMP, with the final CEMP to be provided to KDC for certification ahead of works commencing.

Overall, it is considered that any effects associated with the construction of the proposed development will be no more than minor and temporary in nature.

Subdivision Effects

The subdivision component to the proposal revolves around what will be 41 already approved dwellings, as well as private carparking and roading. The subdivision will simply provide for the residential units to be owned independently and will not alter the distribution of building coverage, impermeable area, or landscaped space.

A condition is proffered to ensure that the subdivision remains consistent with the land use, thereby restricting any changes or intensification without a Section 127 to the residential land use component, which must be complied with in perpetuity anyway under the RMA unless the activity get discontinued for a continuous period of more than 12 months under Section 10 of the RMA.

As such, the subdivision itself does not enable additional development without further resource consent and any effects associated with the subdivision itself will be less than minor.

Infrastructure Effects

The proposal presents an additional 40 units of demand within the Kāpiti Coast, to be connected to Council's reticulated network. As detailed in the Infrastructure Report (**Appendix F**), the proposal can be adequately serviced, therefore not affecting, or disrupting servicing across the District. The proposed infrastructure solutions have been discussed at length within the Infrastructure Report, and at Section 4.2 below. On this basis, any effects associated with the additional demand on infrastructure will be less than minor.

Step 4: public notification in special circumstances¹:

- It is considered that there are no special circumstances specific to this application that would require this proposal to be publicly notified.

¹ 'Special circumstances' are not defined in the RMA. According to case law, special circumstances are those that are 'unusual or exceptional' but may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529 (CA)).

In determining whether the adverse effects on the environment may be more than minor, a consent authority:

- As noted above, disregard any effects on persons who own or occupy the land in, on, or over which the activity will occur and/or any land adjacent to that land
- may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect
- in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion
- must disregard trade competition and the effects of trade competition, and
- must disregard any effect on a person who has given written approval to the relevant application.

3.2 SECTIONS 95B AND 95E LIMITED NOTIFICATION / AFFECTED PARTIES ANALYSIS

Section 95B states that if a consent authority does not publicly notify an application, it must decide if there are any affected persons.

Step 1: certain affected groups and affected persons must be notified:

- There are no affected customary rights groups or customary marine title groups.
- The proposed activity will not affect land that is the subject of a statutory acknowledgement warranting notification to the party of that statutory acknowledgement.

Step 2: if not required by step 1, limited notification precluded in certain circumstances:

- The application is not precluded from notification by a rule of national environmental standard and, as the application is for a discretionary and non-complying activity, limited notification is not precluded by step 2.

Step 3: if not precluded by step 2, certain other affected persons must be notified:

The following assessment applies in accordance with section 95B(8):

Section 95E applies when a consent authority is deciding if a person is an affected person. A consent authority must decide that person is affected if the activity's adverse effects on the person are minor or more than minor but not less than minor.

In making this decision, the consent authority:

- may disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect
- in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion, and

- must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

In accordance with section 95E, Council is unable to consider those parties who have their written approval to the applicant as affected persons. Written approvals have not been sought as part of this application.

The potentially affected persons are identified as the adjoining residential activities shown in (Figure 15). The proposal has the potential to affect the residential amenity of these properties and are assessed in turn. Residential amenity includes factors such as privacy, shading, bulk and dominance, and building intensity. The building recession plane provisions are intended to provide a degree of separation between buildings and allow a reasonable amount of daylight and sunshine to reach neighbouring sites. Site coverage together with private open space are the main tools used to control development density.

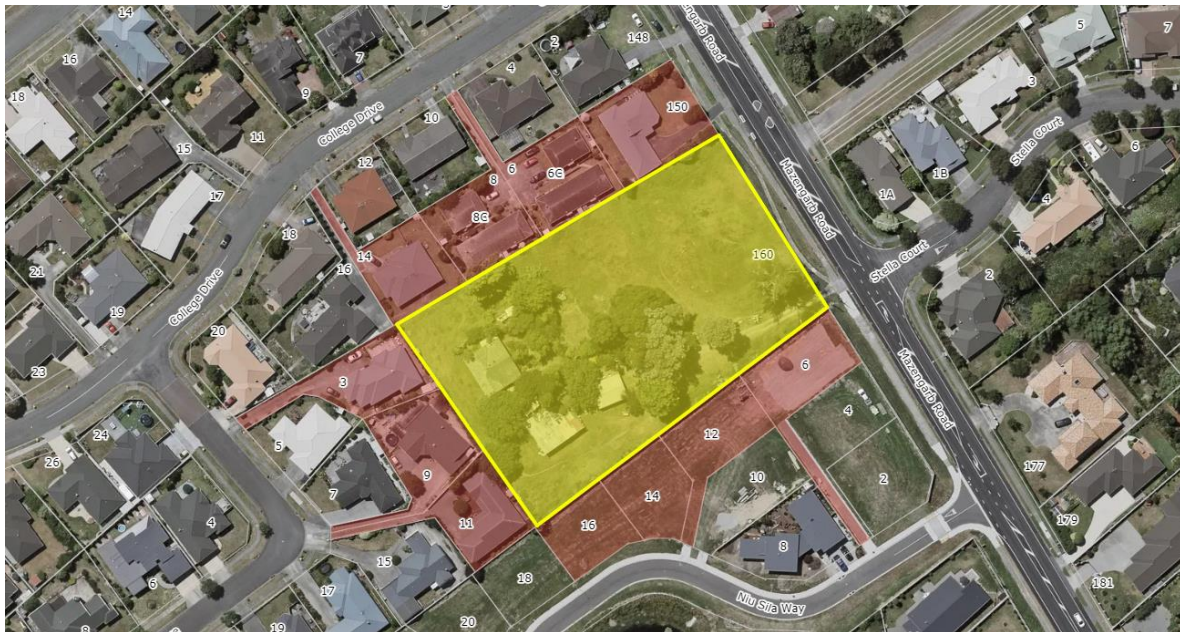


Figure 15. Aerial image identifying potentially affected persons (red)

Only the persons living or owning properties with a shared boundary have been considered as potentially affected persons. All other properties including those opposite Mazengarb Road, are not considered potentially affected as they are sufficiently separated to be unaffected, or screened by existing buildings, including those on No. 4, 10 and 18 Niu Sila Way.

General Effects on Potentially Affected Persons

Servicing, infrastructure, traffic and transport

- The proposal can be adequately serviced, therefore not affecting, or disrupting the servicing of neighbouring properties.
- Traffic and transport effects have been discussed above with regards to the wider transport network. It is considered that the same assessment is applicable to effects on persons residing or owning adjacent properties and need not be repeated, other than to not the proposal and subsequent number of vehicle movements will not

create conflict with the access arrangements for surrounding properties, and therefore the effects on nearby persons is considered to be less than minor.

Earthworks

- Post-construction, all earthworked areas will be covered by dwellings, roading or landscaped areas.

Temporary construction effects

- Similarly, all construction work will be undertaken to the relevant guidelines and standards to minimise nuisance and the adverse effects on the amenity of surrounding occupants. Like with earthworks, mitigation measures include limited operating hours and noise levels.
- Generally, temporary construction effects such as traffic and noise are an anticipated element of residential development. The construction phase can be controlled through a CEMP and in accordance with NZS 6803P “*Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work*”. Due to the short-term nature of the activity and control measures outlined in a CEMP, the effects are considered to be less than minor.
- The earthworks and construction may in some instances result in vibration that is discernible beyond the boundary of the site. The potential adverse effects of this can be readily managed through limiting hours of operation to typical working hours where neighbouring occupants are more likely to be away from home. Any vibration effects will be limited in duration, both in terms of daily occurrence and overall.
- Storage of construction and heavy trade vehicles on site will reduce the required number of vehicle movements each day and minimise the number of large vehicles entering / exiting the site at peak times.

Overall, the above measures are considered to result in effects on the owners and occupants of neighbouring properties that are less than minor. Further consideration to specific potential and actual effects of neighbouring properties from the proposal is carried out below.

The proposal has the potential to impact upon the residential amenity of the persons living or owning the adjacent properties. Residential amenity includes shading, privacy, bulk and dominance and character.

In addition, in line with the High Court’s decision on the Wallace vs Auckland Council case, consideration has been had on the effects of building intensity or density. The High Court found that this differs from bulk and dominance and includes the presence of increased activity such as the presence of more people, noise, movement, lights, and increased vehicle movements associated with higher density living.

- *3 Holcombe Drive (to the west)*

No. 3 Holcombe Drive comprises a single dwelling, located centrally on the 699m² site. The primary living space for this property is at the northern end of the dwelling, with a deck situated in the northeastern corner, accessed from the primary living space.

Post-construction, the ground level adjoining the common boundary will be lowered by up to 0.85m and No. 3 Holcombe Drive will adjoin Units 20 – 21.

Privacy

Each of the proposed units adjoining the common boundary will be single storey, with closed boarded boundary fencing minimising privacy and overlooking effects on No. 3 Holcombe Drive. Further, the rear yards of these units comprise less frequently utilised service areas, with outdoor living spaces situated to the east of the dwellings, away from the common boundary.

Within Units 20 – 22, the rooms facing the common boundary with No. 3 Holcombe Drive are either bedrooms or bathrooms. Bedrooms are rooms which are most frequently inhabited in the evening when curtains are drawn for privacy and warmth, whilst bathrooms are spaces in which privacy is valued and windows are often smaller and / or frosted.

On this basis, any privacy effects relating to No. 3 Holcombe Drive are considered to be less than minor.

Shading

The proposed development sees some shading on the rear yard of No. 3 Holcombe Drive in the mornings at equinox and winter solstice before 9am until 12pm. Finished ground level is being lowered at the common boundary with No. 3 Holcombe to minimise some of these effects and shading from the existing topography.

The permitted baseline would result in similar levels of shading. When disregarding the effects of the permitted baseline and that the existing topography and boundary fencing also shades this area albeit to only a slightly lesser degree, I consider the residual effects to be less than minor.

Bulk & Location

The proposed units adjoining No. 3 Holcombe Drive are setback from the common boundary by more than 1.5m, with Unit 20 having a setback of around 3m. Each unit is single storey, detached and will be constructed in contrasting colour palettes to minimise any monotony created by the development.

The current outlook from No. 3 Holcombe Drive is of boundary fencing and slightly elevated topography, with the existing dwelling situated around 10m from the shared boundary. While the proposal will result in a noticeable change in visual outlook with buildings located closer than current, the effect is not unusual in a residential environment and very similar to the setback of dwellings located in the immediate surrounds with the proposed buildings being setback in accordance with the relevant standards, and of significantly lesser height being only single storey. Further, the design of the buildings minimise effects of building bulk including the provision of a pitched roof, separation between buildings, and design articulation such that I consider that any adverse effects pertaining to the bulk and location of the proposed development are considered to be less than minor.

Intensity & Density

The proposed development has been designed so that the increase in density alongside the common boundary associated with the construction of three new units is focussed on the eastern side of the proposed dwellings, largely screened from No. 3 Holcombe Drive. The rear yards of Units 20 – 22 are to be largely utilised as service areas, comprising

washing lines and the storage sheds, thus the activities undertaken within this area will be unlikely to generate nuisance effects on No. 3 Holcombe Drive due to their infrequent use.

On this basis, any effects associated with the intensity and density of the development is considered to be less than minor in relation to No. 3 Holcombe Drive.

Summary

Overall, any effects in relation to No. 3 Holcombe Drive are considered to be less than minor and the owners / occupants are not considered to be affected persons.

- 9 Holcombe Drive (to the west)

No. 9 Holcombe Drive comprises a single dwelling on a 747m² site. The primary living space for this property is at the northern end of the dwelling, comprising a deck alongside a number of partially enclosed pergola areas, one of which is situated in the northeastern corner adjoining the common boundary with the subject site.

Post-construction, this property will adjoin Units 23 – 25 and partially Unit 26. Units 23, 24 and 26 are single storey, whilst Unit 25 is a two-storey unit. Each of these units are orientated so that the primary living rooms and outdoor living spaces are situated to the east of the dwelling, away from common boundary.

Privacy

Units 23, 24 and 26 are single storey, with closed boarded boundary fencing minimising privacy and overlooking effects on No. 9 Holcombe Drive, whilst Unit 25 is two-storey and creates the potential for overlooking. The first floor of Unit 25 comprises a bedroom and open study, with the bedroom orientated towards the common boundary. Bedrooms are typically areas more frequently utilised in the evenings when curtains are drawn for privacy and warmth. Further, Unit 25 has been sited so that it does not face the primary living areas of No. 9 Holcombe Drive to avoid creating potential for overlooking within the areas of No. 9 Holcombe more likely to be inhabited throughout the day when curtains are open.

Further, the rear yards of these units comprise less frequently utilised service areas, with outdoor living spaces situated to the east of the dwellings, away from the shared boundary.

On this basis, any privacy effects relating to No. 9 Holcombe Drive are considered to be less than minor.

Shading

As per the DGSE shading diagrams, whilst the proposal does not create shading on the primary outdoor living space to the north of the dwelling at No. 9 Holcombe Drive, it does create some shading on the side yard of No. 9 Holcombe Drive at 9am, at summer and equinox, this shading is gone by 12pm, whilst at winter solstice the shading recedes between 12pm and 3pm.

This is comparable to shading by the permitted baseline. When disregarding the effects of the permitted baseline, I consider the residual effects to be less than minor.

Bulk & Location

The two-storey units have been situated so that they are sited lots which share boundaries with two properties, so in this instance Unit 26 has been situated along the boundary with

No. 9 and 11 Holcombe Drive. The intention behind this is to avoid having a relatively large bulk running across the primary outlook of a property, in the case of No. 9 Holcombe Drive this means that the two-storey unit is situated alongside the service area of the yard and not the primary outdoor space of living area to minimise adverse effects associated with the bulk and location of the proposed development.

It is noted that the existing dwelling on site is located at the highest point of the site, directly adjacent to the common boundary with No. 9 Holcombe Drive. The proposal includes reducing ground level in this area by approximately 1m and offers the construction of new dwellings, which may hold some aesthetic benefits when considering the existing outlook towards the existing dilapidated dwelling which sits quite prominently on the site.

As such, any bulk and location effects associated with the proposal are considered to be less than minor in respect to No. 9 Holcombe Drive.

Intensity & Density

The proposed development has been designed so that the increase in density alongside the common boundary associated with the construction of four new units is focussed on the eastern side of the proposed dwellings, largely screened from No. 9 Holcombe Drive. The rear yards of Units 23 – 26 are to be largely utilised as service areas, comprising washing lines and the storage sheds, thus the activities undertaken within this area will be unlikely to generate nuisance effects on No. 9 Holcombe Drive due to their infrequent use.

On this basis, any effects associated with the intensity and density of the development is considered to be less than minor in relation to No. 9 Holcombe Drive.

Summary

Overall, any effects in relation to No. 9 Holcombe Drive are considered to be less than minor and the owners / occupants are not considered to be affected persons.

- 11 Holcombe Drive (to the west)

No. 11 Holcombe Drive is a 647m² property, with a single dwelling occupying the site. The primary living area for this property is located at the northern end of the dwelling, with the primary outdoor living space in the form of a deck on the western side of the dwelling, screened from the subject site by the dwelling itself. Alongside the common boundary is a washing line along the side yard of No. 11 Holcombe Drive.

Post-construction, No. 11 Holcombe Drive will adjoin Units 26 and 27, both of which are single storey units.

Privacy

Unit 26 and 27, nearest No. 11 Holcombe Drive are single storey units, so the provision of closed board boundary fencing will mitigate any privacy or overlooking concerns. As such, any privacy effects are considered to be less than minor in relation to No. 11 Holcombe Drive.

Shading

The proposal does create some additional shading along the rear yard of No. 11 Holcombe Drive in the winter, this shading is gone by 3pm. As per the DGSE permitted baseline

shading diagrams, the shading associated with the proposed development is less than the shading associated with a permitted baseline development. The location of the laneway means that shading is avoided on the primary living area at the northern end of the dwelling, where the primary living area is situated. On this basis, when considering the effects of the proposed shading against the permitted baseline, any shading effects on No. 11 Holcombe Drive will be less than minor.

Bulk and Location

With respect to bulk and location, both units are single storey, being setback from the common boundary by more than 1.5m. The location of the laneway servicing Unit 27 creates a separation between Unit 26 and 27, maintaining a visual break between the two buildings and breaking up the bulk of the development. As such, any bulk and location effects on No. 11 Holcombe Drive is considered to be less than minor.

Intensity and Density

The proposal introduces two new residential units, and associated occupants, in proximity to the common boundary, which has the potential to create an adverse effect with respect to an increase in density than currently exists on site, primarily associated with the use of outdoor living spaces towards the common boundary. The outdoor living space at No. 11 Holcombe Drive is situated to the northwest of the dwelling, largely screened from the proposed development.

With respect to Unit 26, the bulk of the activity undertaken within this unit will be towards the east of the dwelling, away from the common boundary with No. 11 Holcombe Drive, with the rear yard being utilised as a service area which will not be frequently inhabited and thus unlikely to cause a nuisance effect.

The outdoor living space for Unit 27 will be situated alongside the common boundary with No. 11 Holcombe Drive. The nature of the smaller units means the proposed outdoor living space restricts the capacity for large gatherings to be held and the proposed fencing and landscaping along the boundary will minimise overlooking and subjective noise.

On this basis, any adverse effects associated with the intensity and density of the development are considered to be less than minor in relation to No. 11 Holcombe Drive.

Summary

Overall, when considering the effects of the proposed development in comparison to a permitted baseline development, any effects in relation to No. 11 Holcombe Drive are considered to be less than minor and the owners / occupants are not considered to be affected persons.

- 150 Mazengarb Road (to the north)

No. 150 Mazengarb Road adjoins the subject site to the north, with a single dwelling occupying an 832m² site. The southern portion of the dwelling is an attached garage, with the habitable areas of the dwelling orientated to the north, away from the common boundary. Post-construction this property will share a common boundary with Units 1, 9, 10 and partially with Unit 11.

Privacy

Each of the proposed units in the vicinity of No. 150 Mazengarb Road is single storey, so the provision of closed board boundary fencing will largely mitigate any privacy or overlooking concerns, further noting that the frequently habited areas of No. 150 Mazengarb Road are located to the north, away from the common boundary and that the proposed units face the garage, driveway and service area of No. 150 Mazengarb Road.

As such, any privacy effects are considered to be less than minor in relation to No. 150 Mazengarb Road.

Shading

As each of the proposed units in proximity to the common boundary are single storey, setback from the common boundary by over 3m and situated to the south of No. 150 Mazengarb Road, the proposal is not considered to generate any shading effects on No. 150 Mazengarb Road, as demonstrated with the DGSE shading diagrams.

Bulk and Location

The proposed single storey dwellings are detached, staggered and will include variation in each façade to break up any dominance effects created by the additional buildings. Given the presence of the outdoor living spaces to the north of the proposed dwellings, each unit is setback from the common boundary by more than 3m. This ensures any adverse bulk and location effects are to be less than minor in relation to No. 150 Mazengarb Road.

Intensity and Density

The proposal introduces four outdoor living spaces in proximity to the common boundary, which has the potential to create adverse effects associated with the intensity and density of the development due to increase in number of people utilising the space. However, when considering the areas where No. 150 Mazengarb adjoins the proposed development, this is the non-habitable garage, driveway, and service area (washing line / storage shed) which are all areas where the presence of people adjoining the common boundary is unlikely to cause a nuisance effect.

Further, by nature of the smaller residential units and outdoor living space proposed restricts the capacity for large gatherings to be held and the proposed fencing along the boundary will minimise overlooking and subjective noise.

When considering the primary outdoor living space for No. 150 Mazengarb Road being located to the northern end of the site and the smaller nature of the proposed units and outdoor living spaces, any effects associated with the intensity and density of the proposed development are considered to be less than minor in relation to No. 150 Mazengarb Road.

Summary

Overall, any adverse effects associated with the proposal in relation to No. 150 Mazengarb Road are considered to be less than minor and the owners / occupants are not considered to be affected persons.

- 6 and 8 College Drive (to the north)

No. 6 College Drive is a 762m² property, comprising three dwellings. A detached dwelling is located to the north of the property whilst a duplex is situated to the south, approximately 2.5m from the common boundary to the subject site. The outdoor area located between the duplex and the common boundary is a service area, primarily utilised for storage. Post-construction No. 6 College Drive will adjoin Units 11 – 15, each of these units will be setback from the common boundary by over 3m, with the outdoor living spaces located alongside the common boundary.

No. 8 College Drive is laid out in the same manner as No. 6 and has a land area of 714m², with a duplex located around 2.5m from the common boundary and a standalone dwelling to the north of the duplex. Post-construction, No. 8 College Drive will adjoin Units 16 – 19, each of these units will be setback from the common boundary by over 3m, with the outdoor living spaces located alongside the common boundary.

Given the similar layout of No. 6 and 8 College Drive, and similar post-construction layouts alongside the common boundaries, the effects on No. 6 and 8 College Drive are largely the same and have been addressed collectively.

The primary outdoor living areas for these duplexes are located to the north of the dwellings, with the rear yards adjoining the common boundary largely used as service areas for storage.

Privacy

Each of the proposed units in the vicinity of No. 6 and 8 College Drive is single storey, so the provision of closed board boundary fencing will mitigate any privacy or overlooking concerns, further noting that the frequently habited areas of No. 6 and 8 College Drive are located to the north, away from the common boundary.

As such, any privacy effects are considered to be less than minor in relation to No. 6 and 8 College Drive.

Shading

As each of the proposed units in proximity to the common boundary are single storey, setback from the common boundary by over 3m and situated to the south of No. 6 and 8 College Drive, the proposal is not considered to generate any shading effects on No. 6 and 8 College Drive.

Bulk and Location

The proposed dwellings are detached, staggered and will include variation in façade to break up any dominance effects created by the additional buildings. Given the presence of the indoor and outdoor living spaces to the north of the proposed dwellings, each unit is setback from the common boundary by more than 3m and fits within the permitted height recession plane. On this basis, any adverse bulk and location effects are considered to be less than minor in relation to No. 6 and 8 College Drive.

Intensity and Density

The presence of additional outdoor living spaces in proximity to the common boundary has the potential to create adverse effects associated with the intensity of the development and increase in density than currently exists on site.

However, the duplex nature of No. 6 and 8 College Drive means that in practice, two proposed outdoor living spaces will directly adjoin the common boundary with each existing unit. As the primary outlook for these properties is orientated to the north of the dwelling, away from the common boundary, the proposed outdoor living spaces are largely separated from the outdoor living spaces at No. 6 and 8 College Drive by the dwellings. Further, by nature of the smaller residential units and outdoor living space proposed restricts the capacity for large gatherings to be held and the proposed fencing along the boundary will minimise overlooking and subjective noise.

On this basis, any effects associated with the intensity and density of the proposed development in relation to No. 6 and 8 College Drive are considered to be less than minor.

Summary

Overall, it is considered that any adverse effects associated with the proposal in relation to No. 6 and 8 College Drive will be less than minor and the owners / occupants are not considered to be affected persons.

- 14 College Drive (to the north)

No. 14 College Drive adjoins the northern boundary of the subject site, with a land area of 658m² and a single dwelling located centrally on the site. The primary living area and outdoor living space is located to the northern side of the dwelling, whilst the rear yard towards the subject site appears to be utilised for the washing line and a storage shed.

Post-construction, this property will share a common boundary with Unit 20 and partially Unit 19, with the outdoor living spaces located towards the common boundary.

Privacy

Each of the proposed units in the vicinity of No. 14 College Drive is single storey, so the provision of closed board boundary fencing will mitigate any privacy or overlooking concerns, further noting that the frequently habited areas of No. 14 College Drive are located to the north, away from the common boundary.

As such, any privacy effects are considered to be less than minor in relation to No. 14 College Drive.

Shading

As each of the proposed units in proximity to the common boundary are single storey, setback from the common boundary by approximately 2.5m and situated to the south of No. 14 College Drive, the proposal is not considered to generate any shading effects on No. 14 College Drive, as illustrated by the DGSE shading diagrams.

Bulk and Location

Units 19 and 20 will largely screen the remainder of the development from No. 14 College Drive. The walkway to Unit 20 creates additional separation between the proposed units,

breaking up potential bulk associated with the development. The location of the outdoor living spaces for Units 19 and 20 mean that each unit is setback from the common boundary by more than 3m.

The single storey and detached nature of Units 19 and 20, alongside their separation from the common boundary, ensure that any bulk and location effects will be less than minor in respect to No. 14 College Drive.

Intensity and Density

The presence of two outdoor living spaces in proximity to the common boundary has the potential to create adverse effects associated with the intensity of the development and increase in density than currently exists on site.

As the primary living area and outdoor living space for No. 14 College Drive is orientated to the north of the dwelling, away from the common boundary, the presence of two smaller outdoor living spaces alongside the common boundary is not likely to impede on the amenity of the primary living areas at No. 14 College Drive. Further, by nature of the smaller residential units and outdoor living space proposed restricts the capacity for large gatherings to be held and the proposed fencing along the boundary will minimise overlooking and subjective noise.

On this basis, any effects associated with the intensity and density of the proposed development in relation to No. 14 College Drive are considered to be less than minor.

Summary

Overall, it is considered that any adverse effects associated with the proposal in relation to No. 14 College Drive will be less than minor and the owners / occupants are not considered to be affected persons.

- 6, 12 – 16 Niu Sila Way (to the south)

No. 6 Niu Sila Way adjoins the subject site to the southeast, and has a land area of 763m², with a dwelling situated centrally on the site. The primary living and outdoor space for this property are to the northern side of the dwelling, facing the common boundary with the subject site. This property is currently screened from the subject site by a closed boarded timber fenced, topped with a trellis. No. 12, 14 and 16 Niu Sila Way are undeveloped residential allotments with land areas of 630m², 523m² and 479m².

These properties form part of the application due to earthworks being undertaken within these properties, as agreed between the applicant the landowners outside of the resource consent process. However, the future and existing development of these properties have been addressed for completeness. The vacant lots are likely to be developed in a similar manner to No. 2 – 8 Niu Sila Way, with the landowner being underway with designs for these properties, noting that the District Plan does provide for up to three dwellings to be constructed on these lots.

Privacy

With respect to privacy, most of the proposed units alongside the Niu Sila Way boundaries are single storey and will be screened by closed boarded boundary fencing to avoid any overlooking or privacy effects on the property at ground level. Units 30, 33 and 37 are two-

storey units which have been sited at the boundaries between the Niu Sila Way lots in order to minimise overlooking within the centre of each lot.

Further, the second-storey windows facing the common boundary is a bedroom, which are typically areas of lower utility than living areas and only typically occupied at night when curtains or blinds are closed for privacy and warmth.

Shading

With respect to No. 6 Niu Sila Way, the shading associated with the proposed development is largely comparable to a permitted baseline development. Whilst with respect to No. 12 – 16 Niu Sila Way, the proposal will result in increased shading, above that of the permitted baseline, affecting a portion of the southern lots throughout much of the year to an extent that is no more than minor. However, as mentioned above, the actual nature of dwellings on these lots is unknown at present, and therefore any effects are highly speculative and uncertain, other than presently they have no adverse effects as the shading is only over vacant allotments.

Bulk and Location

Each unit will be constructed approximately 1.5m from the common boundary, with bulk and location effects having been minimised through the use of detached units to break up the bulk, alongside the use of varied colour palettes and height, with the introduction of a two-storey building to create visual interest.

When considering a permitted baseline development, which we've shown as being two houses close to the boundary, albeit at a greater setback to avoid breaching the recession plane, these larger two-storey dwellings could have comparable bulk and location effects, noting that a permitted baseline would not need to take into consideration the Design Guide and could result in a monotonise building with a greater bulk.

When considering height in relation to boundary in respect to the southern boundary, the proposed units breach the permitted recession plane due the raised finished ground level as the recession plane being measured from original ground level. The original ground level at the boundary is lower than the finished ground level at Niu Sila Way. In practice, when

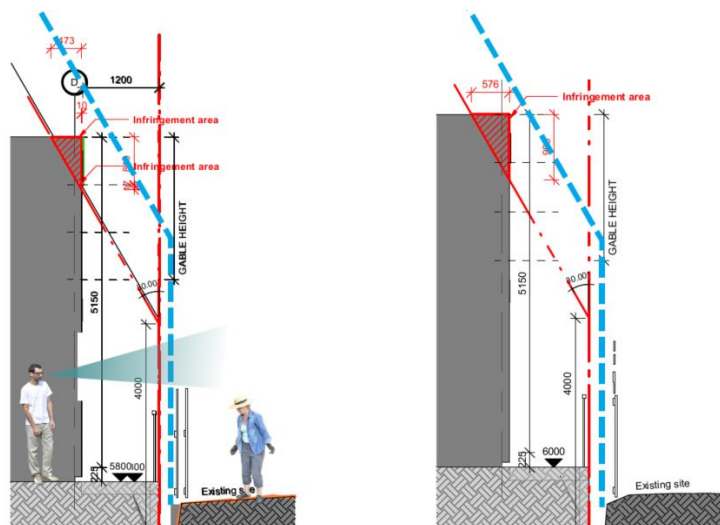


Figure 16. Height in relation to boundary when considering existing ground levels at No. 160 Mazengarb Road and Niu Sila Way

considering the outlook from existing ground level at Niu Sila Way, each unit would fit within a permitted recession plane. On this basis, bulk and location effects are anticipated to be less than minor.

Intensity and Density

The outdoor living spaces for the Units adjoining Niu Sila Way will be situated to the north of the dwellings, away from the common boundary. The smaller residential units and outdoor living space proposed restricts the capacity for large gatherings to be held and the proposed fencing and landscaping along the boundary will minimise overlooking and subjective noise, protecting the amenity of the Niu Sila Way properties and ensuring effects on these properties are less than minor.

Summary

Overall, except for shading, the proposed development will not impede on the ability for these lots to be residentially developed in the future to a high amenity standard, nor the amenity of the existing dwelling at No. 6 Niu Sila Way. As such, any effects associated with the proposed development will be no more than minor, however again the nature of these effects are highly speculative in relation to 12 – 16 Niu Sila Way, and therefore depending on the final design on these lots, effects could be less than minor.

Step 4: further notification in special circumstances:

- It is considered that there are no special circumstances specific to this application that would warrant the application to be notified to any persons not already determined to be eligible under section 95E.

Under section 95B, it is therefore considered that limited notification is not required for this application.

SECTION 4

ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1 MATTERS TO CONSIDER

The relevant documents and statutory provisions to this application are as follows:

- Section 104 of the RMA – Actual and Potential Effects including offsetting
- National Policy Statements
- Objectives and Policies of the Greater Wellington Regional Policy Statement
- Objectives and Policies of the Operative Kāpiti Coast District Plan
- Section 106 of the RMA – Restrictions Applying to Subdivisions
- Section 104D of the RMA – Gateway Tests
- Other matters, and
- Part 2 of the Resource Management Act.

In accordance with section 104(1)(ab) of the RMA, there are no offsetting or compensation measures proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment, to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity, that need consideration.

4.2 SECTION 104 OF THE RMA – ACTUAL OR POTENTIAL EFFECTS

A consent authority must, subject to Part 2 of the RMA, have regard to the actual and potential effects on the environment of allowing the proposed activity. An assessment of the relevant environmental effects associated with this proposal has been carried out in the s95 assessment above, its conclusions are also relevant under s104 but need not be repeated here. An assessment of any additional actual potential effects on the suitability of the proposal is provided below:

Positive Effects

The meaning of 'effect' as outlined in section 3 of the RMA, includes positive effects. Positive effects are an important consideration in the overall balancing exercise involved in assessing resource consent applications as explicitly provided for under section 104(1)(ab) of the RMA.

The positive effects of this proposal include the provision of 41 new residential units, which will all be constructed to modern building standards which protect the health and wellbeing of future residents. The layout of the development provides compact, efficient and low maintenance dwellings which provide acceptable residential amenity and privacy, and good sun and outlook opportunities.

The subject site is well integrated to enable active and public transport, as well as being located near a number of local amenities, contributing to well-functioning urban environment and reducing greenhouse gas emissions by locating and providing for alternatives to private motor vehicles.

Enabling housing as freehold which allows for individual ownership, provides a greater sense of place and stewardship to the local environment and provides increased levels of housing security, as does the provision of a Residents Society over communal areas. The proposal also provides a communal recreation area which provides additional amenity within the development, for the enjoyment of the future occupants.

Access and Layout

As discussed by Stantec in the ITA, the internal access arrangement has been designed so that vehicles can circulate the site along the private loop road, and are able to exit to Mazengarb Road in a forward-facing motion. The private road will have a formed width of 5.8m to allow for vehicles to pass in either direction.

Provision for pedestrians is provided via a series of footpaths and internal walkway connections through the site. Internal footpaths have been designed with a 1.5m width for key accessible connections throughout the site.

It is considered that the proposed access and layout arrangements are appropriate and acceptable for the proposed residential development, allowing for vehicle, pedestrian and cycle movements throughout the site and out to the surrounding network.

Flood Hazard Effects

With respect to onsite flood hazards, pre-development modelling identifies areas of localised flooding within low-lying areas within the subject site, in the order of 10 to 400mm in depth. These lots are to be filled to create flood free building platforms, and a retaining

wall is to be constructed along the southern boundary. The subject site will fully contain stormwater runoff and control discharge of stormwater on site.

On this basis, the design and proposed mitigation measures have been appropriately considered, and the subdivision is acceptable from a flood hazard perspective.

Geotechnical Suitability

A Geotechnical Assessment has been undertaken by Torlesse to determine the geotechnical suitability of the proposed development, a copy of this assessment is available at **Appendix I**. The soil profile on-site has been identified as fine to medium grained sand (0 – 0.3m deep), with medium to dense fine / coarse grained sand (0.3m – 2.5m) to very dense sand up to a depth of 2.5m to 14m

The findings of this assessment indicate that the subject site is at low risk of all identified geotechnical hazards, with the exception of liquefaction which presents a moderate risk. Torlesse have indicated that NZS3604:2011 shallow foundations are suitable for the building sites and recommend batter slopes of 1V:3H as a minimum for permanent batters.

Based on the results and investigations, Torlesse have concluded that the proposed subdivision is suitable from a geotechnical perspective and their recommendations will be taken into account during earthworks and with respect to foundation designs of future dwellings as per proffered Conditions 5 and 6.

Infrastructure Effects

The decision to include a private wastewater pump station to service 16 units was made in an effort to achieve the best outcome for the development, the neighbouring properties and the infrastructure demand. Whilst ideally the entire development would have been served by a gravity wastewater connection, achieving appropriate fall across the site would have required an additional 2.5m of fill at the southwestern end of the site, and additional retaining walls. When considering the impacts of the 2.5m fill alongside the boundary, this would have created adverse effects on the surrounding properties due to a significantly raised ground level. On balance, the decision to reduce the proposed ground level and operate a private pump station was considered to achieve the best outcome for the overall development and surrounding neighbourhood, and I consider the infrastructure effects resulting from the private pump station, to be acceptable

Water Demand Management

The District Plan's permitted activity standards include the provision of 10,000L rainwater storage for water reuse for each new residential building, either through individual or communal storage tanks. The proposal to forego individual rainwater storage tanks has been carefully considered and has been discussed at length within the Infrastructure Report (**Appendix F**).

For the proposed development, this equates to 410,000L of storage, which is impractical when considering the nature of the development. The proposal to include 20,000L of communal storage for outdoor water use within the communal area is considered to be appropriate on the basis that:

- There are no landscape areas that require irrigation within individual lots;

- The District Plan requirement to show a reduction in water use of 30% of the *Household 2007 summer average water use* has been met, largely through the introduction of metering in 2014;
- Council's current system is not implemented in a way that reduces water demand as outdoor tanks are continually 'topped up'. Therefore, this proposal improves this situation significantly;
- Water efficient fittings are a suitable method of reducing water consumption;
- Providing 410,000L of water for re-use is impractical and requires water pumps and a secondary water line to be reticulated in each townhouse which is unnecessary for the reasons above.

The District Plan allows Council discretion to accept solutions that reduce water demand by 30% when compared to the *Household 2007 summer average water use* (1,560L per household, per day), provided non-potable supply is available for outdoor uses, and no outdoor taps are connected to the public water supply system. Matters of discretion include the supply, storage and use of non-potable water and the effects on public health, ecological and hydrological systems. The connections of toilets and outdoor taps to the potable water supply eliminates any potential effects on public health, ecological or hydrological systems that need to be considered when using a non-potable supply for these fixtures.

On this basis, the proposed rainwater storage system is considered to be acceptable and commensurate to the scale of the development.

Urban Design

An assessment undertaken by Urban Acumen (**Appendix K**) has found the development to align with best practice urban design, and on balance is largely consistent with the Kāpiti Coast Residential Design Guide (Design Guide).

With respect to inconsistencies with the Design Guide, there are a number of points which have not been achieved as part of the design, either due to servicing and construction requirements or aesthetic design choices.

The waste collection areas are located centrally on the site, in order to provide functionality for residents and waste collection, which is not the preference of the Design Guide. However, these areas will be screened and landscaped to avoid unsightly waste collection areas.

The Design Guide also seeks to retain mature and healthy vegetation where possible. Whilst the subject site comprises a number of mature and healthy trees, their central location means that retaining these trees is not possible given the need to undertake earthworks and the provision of stormwater storage beneath the communal lawn area.

The Design Guide encourages the use of eaves to limit sunlight penetration in the summer, this has not been adopted due to the barn / farm style design concept across the development.

The proposals urban design strengths include the internal layout of the site which prioritises residential functionality, creating a safe and attractive communal space which fosters social interaction within the development, as well as maximising sunlight and outlook for each unit through the orientation of the dwellings. The interface between Mazengarb Road and the

street-facing units is also considered to provide a good frontage between private and public spaces.

Overall, it is considered that the proposed development is acceptable from an urban design standpoint and that the proposed development is largely consistent with the Design Guide which informs residential urban design outcomes in the Kāpiti Coast, which based on the advice in the assessment, I consider acceptable.

Internal Amenity

The application proposes 41 new residential units, which given their smaller nature and presence within a multi-unit development, present an alternative housing typology than is dominantly seen throughout the Kāpiti Coast, which typically comprises large family homes with large, often high maintenance, outdoor living spaces. The units are best suited to individuals, couples or small families, with outdoor living spaces provided which are commensurate in scale with the units and their anticipated number of occupants.

Outdoor living spaces for each unit are orientated to the north or east of the dwelling to maximise sunlight access, accessible directly from the open plan living areas. Outdoor living spaces are flat and have sufficient space for outdoor furniture, with rear / side yards being available to accommodate service areas such as washing lines and storage.

The proposal acknowledges that the demand for housing on the Kāpiti Coast is predominantly for detached housing, so each unit is separated from the adjoining unit.

The provision of a carparking space, as well as suitable bicycle storage and nearby public transport, provides residents with a range of different transport options to suit day to day needs.

Overall, it is considered that the proposed development will provide good on-site amenity for future residents, with the residential amenity of the proposed development being further discussed in Section 4.5 below with respect to Policy GRZ-P10 – Residential Amenity of the District Plan.

4.3 NATIONAL POLICY STATEMENTS

New Zealand Coastal Policy Statement

Due to the proximity of the subject site to the coast, and its location within the Coastal Environment Overlay of the District Plan, the New Zealand Coastal Policy Statement (NZ-CPS) is considered to be a relevant matter for consideration. Of particular relevance to the proposal are the following objectives:

Objective 2: *To preserve the natural character of the coastal environment and protect natural features and landscape values through:*

- *recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
- *identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and*
- *encouraging restoration of the coastal environment.*

Whilst not being identified within an area of outstanding or high natural character, the subject site is identified as being within the Coastal Environment overlay of the District Plan due to the

coastal processes that have shaped the topography of the site. Whilst the NZ-CPS holds the most relevance within the Coastal Marine Area, it does seek to preserve the natural character of the coastal environment.

It is acknowledged that whilst the existing ground levels on site are undulating, and reminiscent of dune processes, the coastal features on site are not identified as either being of outstanding natural character, or high natural character, nor are they outstanding natural features or special amenity landscapes. Further, the site is amidst a highly developed and modified area where residential development has significantly altered previous landforms.

The proposal is not considered to impact on the integrity, form, functioning and resilience of the coastal environment and is not identified as being an area of outstanding or high natural character. Further, the site is not shown to be subject to any coastal hazard risks. For these reasons, it is considered that the proposal is not inconsistent to the objectives and policies of the NZ-CPS.

National Policy Statement for Urban Development

The National Policy Statement for Urban Development (NPS-UD) is considered to be relevant to this application. The objectives and policies of most relevance to the proposal are:

Objective 1: *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

Objective 2: *Planning decisions improve housing affordability by supporting competitive land and development markets.*

Objective 4: *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities and future generations.*

Objective 8: *New Zealand's urban environments:*

- a) *Support reductions in greenhouse gas emissions; and*
- b) *Are resilient to the current and future effects of climate change.*

In addition to this, Policies 1, 6, 9(c), 9(d) and 11 apply to resource consents.

The primary aim of the NPS-UD is to ensure that towns and cities are well-functioning urban environments that meet the changing needs of a diverse community through directing local authorities to enable greater supply and planning which is responsive to changes in demand. The NPS-UD directs Council to enable housing even where this may result in a significant deviation from the existing pattern of development. As a higher order planning document, the relevant objectives and policies of the NPS-UD must be taken into consideration.

Nationally, New Zealand has an urban land supply shortage resulting in high, often unaffordable, housing prices, this is confirmed by the latest Housing and Business Assessment for the area which forecasts an additional 3,775 dwellings to be required in the Paraparaumu area between 2021 – 2051². The proposal contributes an additional 41

² <https://wrlc.org.nz/wp-content/uploads/2023/10/HBA3-CHAPTER-5-Kapiti.pdf>

residential dwellings to the Paraparaumu area, thus supporting the economic and social needs of the community through additional housing supply and choice.

The proposed development is considered to be consistent with Policy 1, in that it encourages urban consolidation in land zoned for residential development. The development is well located in proximity to employment opportunities, the existing roading and cycle network, and natural / open space. The proposal seeks to make good use of residential land by supporting a consolidated urban form with connections to active transport, and thus the proposal supports a reduction in greenhouse gases.

The proposal supports the competitive operation of land and development markets in so far as the granting of this resource consent would support housing affordability through the enabling of additional housing to the Paraparaumu area.

The proposed development, through design, will be resilient to the effects of climate change through: the management of on-site flood hazards to avoid flooding effects on-site and beyond the site, the provision of communal stormwater storage for outdoor purposes to reduce water demand, construction of new housing which has been designed to meet modern building standards for energy efficiency and orientated to maximise sunlight access, and being sufficiently located beyond identified coastal hazard areas.

In accordance with Policy 6, the reference to planned urban built form is important in the context of the change to the District Plan to implement the outcomes identified in Plan Change 2, including the residential rezoning of the subject site and incorporation of the medium density residential standards.

The NPS-UD guides, through Objective 4 and Policy 6 that there is not an expectation that the environment will remain the same; it is subject to change over time and those changes may reasonably include the establishment a development such as this. It states that within urban environments, the planned urban built form may involve significant changes which *“may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations...”*, while it is acknowledged that the proposed development will be a change to the existing environment on the site, the NPS-UD directs that change is inevitable and cannot be considered an adverse effect in itself.

The NPS-UD generally encourages increased intensity of development in urban areas, particularly around centres and along rapid transport routes. As discussed throughout this report, the site is well connected to the Kāpiti Coast Cycle Network and is 3km from the Paraparaumu town centre, and Paraparaumu Train Station which provides connectivity between Wellington and Waikanae.

Overall, the proposed development is considered to align with the directives of the NPS-UD through maximising the efficient use of land and enabling additional housing to be constructed, making a good contribution to Paraparaumu’s demand for housing.

All Other National Policy Statements

The remaining National Policy Statements pertaining to industrial process heat, highly productive land, renewable electricity generation, indigenous biodiversity, freshwater management and electricity transmission are not considered to be directly relevant to this application.

4.4 OBJECTIVES AND POLICIES OF THE REGIONAL POLICY STATEMENT

As the operative District Plan and NRP have been given effect to following the Wellington Regional Policy Statement (RPS) being made operative, it is considered that all matters that are identified as a requirement of a District or Regional Plan have been adequately addressed in the policy directives of the relevant plans.

For completeness, the proposal is directly aligned with the relevant objectives and policies of the RPS as it is well-designed, can be appropriately serviced, and is situated in an area which has been identified as appropriate for residential intensification. Each proposed allotment can be readily developed for residential purposes in an area which is free from natural hazards.

Plan Change 1 to the Wellington Regional Policy Statement

On 19 August 2022, GWRC notified Plan Change 1 to the RPS (RPS Change 1), with further submissions closing 19 December 2022. The purpose of RPS Change 1 is to implement the NPS-UD and NPS-FM. It also incorporates changes to address climate change, indigenous biodiversity and high natural character. As discussed in Section 4.3, the application is considered to align with the directives of the NPS-UD, and the NPS for freshwater management and NPS for Indigenous Biodiversity are not directly applicable to the subject site. The other matters addressed in RPS Change 1 that are considered to be directly relevant to the application are considered to be:

Chapter 3.1A – Climate Changes

Objective CC.1 and Policies CC.4 – Climate Resilient Urban Areas (district and regional plans) and CC.14 (consideration)

Policies CC.4 and CC.14 refer to the directive to provide for climate-resilient urban areas which support delivering the characteristics and qualities of well-functioning urban environments. The proposed residential development is to be climate resilient through construction being undertaken to a modern standard designed to withstand a number of climatic events, with each lot being provided with a build area free from flood hazards and the subject site not identified as being within a coastal or fault hazard area. The site also has good frontage to the existing roading network.

Policy 55: Providing for appropriate urban expansion ~~Maintaining a compact, well designed and sustainable regional form~~ – consideration

The focus of Policy 55 moves from maintaining a compact, well designed and sustainable regional form towards providing for appropriate urban expansion. The subject site is suitable for residential intensification and contributes to establishing a well-functioning urban environment through the residential development of land within an existing urban area which can be readily serviced, is well connected to the roading and cycle network, public open space, schools and is within a short trip of the Paraparaumu and Paraparaumu Beach town centres.

4.5 OBJECTIVES AND POLICIES OF THE OPERATIVE DISTRICT PLAN

The relevant objectives and policies of the District Plan for this application are considered to be:

Objectives: DO-03 – Development Management, DO-020 – Well-functioning Urban Environments, DO-021 – Housing in Relevant Residential Zones, DO-022 – Higher Density Housing in Residential Zones, DO-05 – Natural Hazards, DO-011 – Character and Amenity Values, DO-012 – Housing Choice and Affordability, DO-013 – Infrastructure, DO-014 – Access and Transport, DO-019 – Housing Bottom Lines.

Urban and Environmental Design and Incentives

Policies: UEDI-P1 – Urban Design, UEDI-P2 – Safety and Crime Through Environmental Design.

Policy UEDI-P1 seeks quality urban design outcomes across public and private spaces, which have been discussed at length within the Urban Design Assessment (**Appendix K**) and in Section 4.2 above. On balance the application is supported from an urban design perspective and presents a development which is liveable, safe and provides a strong sense of place.

Policy UEDI-P2 guides development, use and subdivision to be consistent with the LDMR and Crime Prevention Through Environmental Design (CPTED) guidelines to enhance safety and security of residents and visitors. The development's consistency with the LDMR has been discussed throughout this application, and addressed at length within the Infrastructure Report at **Appendix F**.

With respect to the CPTED guidelines, there are four primary principles of CPTED; natural surveillance, territorial reinforcement, access control and maintenance and management. The purpose of CPTED is to deter criminal behaviour through the design of the built environment.

With respect to natural surveillance, the development has been designed to integrate an active frontage to Mazengarb Road and well as within the development, with each unit being orientated towards the community lawn area, as well as some outdoor living spaces.

Territorial reinforcement refers to the clear delineation of public and private spaces, which in turn encourages a sense of ownership and responsibility for the users of these spaces. The development clearly delineates between private and communal open spaces, and the establishment of a Residents Society encourages the maintenance of and ownership over these spaces by residents of the development.

With respect to access control, the development is accessed via a private loop road with good passive surveillance both to the private road and to Mazengarb Road.

The communal space within development will be maintained and managed by the Residents Society, ensuring that the area is regularly upkeep and actively monitored.

Overall, the proposal is consistent with the CPTED guidelines.

Urban Form and Development

Policies: *UFD-P1 – Growth Management, UFD-P3 – Managing Intensification, UFD-P4 – Residential Density, UFD-P7 – Accessibility.*

In line with Policies UFD-P1 and UFD-P2 (Growth Management and Housing Choice), the subject site is situated amongst an existing urban area and can be readily integrated into the surrounding environment, whilst also contributing to variety of housing types and tenures within the General Residential Zone through the provision of smaller residential units which are managed by a Residents Society.

A variety of housing forms, types, sizes and tenures are encouraged to cater for changing demographics within the District, as per Policy UFD-P2 – Housing Choice, the proposal provides for smaller residential units than typically seen within the District, catering for smaller families, individuals and couples.

With respect to intensification, Policy UFD-P3 acknowledges that character and amenity values may develop and change over time in response to the diverse and changing needs of people, communities and future generations. The proposal is considered to be responsive to this change in amenity through the provision of modern dwellings, which are responsive to demand for smaller, low maintenance, more affordable housing within the District.

Policy UFD-P7 seeks for development to be within 400m of a public open space. The subject site is located approximately 250m from Mazengarb Reserve, the nearest public open space, as well as providing a private open space in the centre of the development.

Overall, the proposal is considered to align with the policy directives for urban form and development.

Infrastructure

Policies: *INF-MENU-P17 – Hydraulic Neutrality – Stormwater, INF-MENU-P18 – Stormwater Quantity and Quality, INF-MENU-P19 – Water Demand Management, INF-MENU-P20 – Water Supply, INF-MENU-P21 – Wastewater.*

The Infrastructure Report (**Appendix F**) sets out the infrastructure and servicing arrangements for the proposed development, demonstrating that each allotment can be appropriately serviced with respect to water and wastewater with the Preliminary CEMP (**Appendix E**) outlining manners in which the wider receiving environment will be protected, and methods to mitigate any sediment discharge from the proposed earthworks.

The development has been designed to retain hydraulic neutrality, as per Policy INF-MENU-P17, for the site and run-off will not exceed pre-development levels. The proposed stormwater solution has been discussed at length within the Stormwater Report (**Appendix G**) and is considered to align with the policy directives of INF-MENU-P18 with respect to quantity and quality of stormwater, with stormwater disposal being designed to mimic pre-development patterns.

With respect to water demand management (INF-MENU-P19), whilst the proposed development does provide for toilets and outdoor taps to be connected to the public water supply, the effects of this have been discussed at length within the Infrastructure Report and Section 4.2 of this application, and when considering the small nature of the units and

outdoor spaces which do not require regular irrigation, the proposed 20,000L of communal storage for the community lawn and refuse areas is considered to be an appropriate solution in which water demand will be reduced by more than 30% from the 2007 Household summer average use, in which Council use to determine reductions in water storage.

The proposal is consistent with the infrastructure policies, with exception of INF-MENU-P19, however the effects on water demand management have been duly considered and the proposal has adopted measures to reduce water demand to ensure the proposal is acceptable from an infrastructure standpoint.

Transport

Policies: *TR-P1 – Integrated Transport and Urban Form, TR-P2 – Sustainable Transport and Maximising Mode Choice, TR-P5 – Effects of Land Use on Transport, TR-P6 – Safety, TR-P7 – Cycling, Walking and Bridleway Links and Safety.*

The objective and policy directives of the District Plan encourage a safe and efficient multi-modal transport network, where new land uses can be sufficiently integrated with the existing transport network. The proposed development aligns with these directives and has been designed so that it can integrate into the existing transport network in a manner that is safe, efficient and can accommodate additional traffic generation. Traffic flows on Mazengarb Road will remain within the road's carrying capacity. The subject site is connected with the arterial network via Mazengarb Road, and the subject site is well situated to connect with the Kāpiti Coast cycle network.

The proposed access to the development has sufficient sightlines in either direction to ensure safe entry / exit to the site and the private road is of sufficient width and alignment to provide for manoeuvring within the development.

Units 1 – 5 and 40 – 41 have been designed to have active pedestrian frontage to Mazengarb Road, providing for additional passive surveillance over Mazengarb Road.

Overall, the proposal is consistent with the transport policy directives and acceptable from a transport standpoint.

Natural Hazards

Policies: *NH-P3 – Managing Activities in Natural Hazard Prone Areas, NH-FLOOD-P10 - Flood and Erosion Free Building Areas, NH-FLOOD-P11 – Flood Risk Levels, NH-FLOOD-P13 - Ponding, Residual Ponding, Shallow Surface Flow, Flood Storage and Fill Control Areas.*

The subject site is identified as being subject to localised ponding within low points of the site. The proposed earthworks have been designed to negate these ponding areas to ensure each lot is provided with a flood free building platform, with stormwater being accommodated fully within the site. On this basis, the proposal aligns with the policy directives and is acceptable from a natural hazards standpoint.

Coastal Environment

Policies: *CE-P1 – Coastal Environment Characteristics,*

Policy CE-P1 sets out characteristics of the Coastal Environment, which when considered in the context of the subject site, the only characteristics relevant to the subject site is the

dune formations on site, which are not identified as being of high or outstanding natural character. As discussed below:

1. *areas or landforms dominated by coastal vegetation or habitat of indigenous coastal species;*

The subject site is not dominated by coastal vegetation or indigenous coastal species, it is largely exotic grass and trees.

2. *landform affected by active coastal processes, excluding tsunamis;*

The subject site is not affected by active coastal processes, with the dune system on site being inactive and the subject site not being identified as subject to coastal hazards.

3. *elements or features, including coastal escarpments, that contribute to the natural character, landscape, visual quality or amenity value of the coast; and*

Whilst the subject site comprises some small undulating dunes, the presence of the site in amidst a residentially developed, largely flat, suburb 3.5km from the coast means that the subject site is not largely contributing to visual quality or amenity of the coast.

4. *sites, structures, places or areas of historic heritage value adjacent to, or connected with, the coast, which derive their heritage value from a coastal location.*

The subject site is not identified as being an area of historical significance.

The Coastal Environment policies are largely directed as retention of areas of high and outstanding natural character, and largely applicable to the coastal marine area. As the subject site is not identified as having high or outstanding natural character, is setback from the coastline by over 3.5km and is in the middle of a highly developed residential suburb, the dune formations are not considered to be of significance to the coastal environment.

Earthworks

Policy: *EW-P1 – Earthworks.*

The proposed earthworks align with the policy directive of EW-P1 as the subject site is not identified as containing any geological features or outstanding natural features and landscapes. Earthworks have been designed to avoid off-site erosion or runoff, with particular focus on neighbouring properties and Council's reticulated stormwater system. Earthworks have been designed to create a high amenity residential development, which ties in with the surrounding landforms and can be appropriately serviced, with finished ground levels being designed sympathetically to the existing ground levels on surrounding properties.

General Residential Zone

Policies: *GRZ-P20 – Medium Density Residential Standards – Policy 1, GRZ-P21 – Medium Density Residential Standards – Policy 2, GRZ-P22 – Medium Density Residential Standards – Policy 3, GRZ-P23 – Medium Density Residential Standards – Policy 4, GRZ-P24 – Medium Density Residential Standards – Policy 5, GRZ-P7 – Development and Landforms, GRZ-P9 – Residential Activities, GRZ-P10 – Residential Amenity, GRZ-P11 – Residential Streetscape, GRZ-P12 – Landscaping, GRZ-P13 – Energy Efficiency.*

The Medium Density Residential Standards and their associated policies (GRZ-P20 – 23) have influenced the design of the proposed development through introducing 41 residential units within an existing residential neighbourhood. The proposed development meets the day-to-day needs of residents through introducing a smaller, low-maintenance typology than currently exists in the surrounding neighbourhood.

Policy GRZ-P25 provides for higher density housing where development fulfils the intent of the Residential Design Guide (Appendix 24 of the District Plan). As discussed in Section 4.2 above, the proposal largely aligns with the Design Guide and presents a high amenity development which integrates well with the surrounding area and Mazengarb Road streetscape.

The extent of cut and fill on site has been designed with consideration of the surrounding finished ground levels, so as to integrate the development with the surrounding landforms and minimise the need for retaining, in line with Policy GRZ-P7.

The proposed development pertains to residential activities and is responsive to the planned built character of the General Residential Zone (GRZ-P9), in an area which is well situated to maximise transport choice. The proposed residential units are functional, low maintenance units which suit small families, couples or individuals, providing a different type of housing than the larger family homes which are predominantly found in the Kāpiti Coast with larger, often high maintenance, outdoor areas.

GRZ-P10 sets out the directives for on-site amenity, using these guidelines the proposal is considered to provide good on-site amenity. The proposal includes fee simple allotments which are commensurate in scale with the footprint of the proposed residential units and outdoor living spaces, with each unit being orientated to maximise sunlight, privacy and amenity. The proposal provides appropriate setbacks and yards from adjoining buildings. Permeable and impermeable surfaces across the development have been balanced through the use of permeable artificial grass and a communal lawn area. Landscaping has been provided to define private outdoor living areas whilst promoting sunlight access and passive surveillance, which is supported by Policy GRZ-P12.

With respect to the residential streetscape, Policy GRZ-P11 guides development to enhance the amenity, functionality and safety of the streetscape within the Residential Zones, with reference to Council's Streetscape Strategy and Guideline. The proposal aligns with the directive of the Streetscape Strategy and Guideline, both within the private loop road and the public Mazengarb Road frontage, through provision of pathways to clearly delineated front doors, each unit having a street facing bedroom or living room, the private loop road being designed as a slow speed environment suitable for cyclists, and the demarcation of primary pedestrian routes through contrasting surface materials.

The proposed residential units have been orientated in order to maximise sunlight, with doors and windows provided to provide for cross-ventilation in summer months as per Policy GRZ-P13.

The proposal is considered to align with the policy directives of the General Residential Zone.

4.6 SECTION 104D OF THE RMA – GATEWAY TESTS

As the proposal is a non-complying activity with respect to parking of construction vehicles, this aspect of the proposal must be assessed in terms of section 104D of the RMA and the gateway tests. The gateway tests are whether the adverse effects of the proposal are more than minor or whether the proposal is contrary to the Objectives and Policies of the District Plan. The assessment of environmental effects contained in this report concludes that any actual or potential adverse environmental effects associated with the proposal will be no more than minor. As such, the proposal is considered to pass the first gateway test.

For completeness, the proposal is also considered to generally meet the relevant Objectives and Policies of the District Plan. The proposal therefore also passes the second gateway test.

It is therefore considered that in this case, Council's ability to grant resource consent for this proposal is not hindered by section 104D of the RMA.

4.7 OTHER MATTERS

Section 104(1)(c) of the RMA provide that, when considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

The Kāpiti Coast Housing and Business Capacity Assessment (HBA) has been undertaken in response to the requirements of the NPS-UD, to take a 30-year (2021-2051) look at demand for housing and business land, compared to land available or identified for future growth. The HBA also analyses capacity for the necessary infrastructure to support this growth, such as three waters (drinking, storm and waste) and transport.

The HBA identified an additional 13,000+ dwellings required in the District by 2051 to accommodate the anticipated population growth. Of this demand, it is forecasted that the Paraparaumu housing market area will account to 3,775 of these dwellings.

The proposal is considered to contribute to meeting this demand, through providing 41 new residential dwellings, held on their own fee simple titles. The primary demand for housing in the Paraparaumu housing market area is standalone, which aligns with the proposed design.

4.8 SECTION 106 OF THE RMA – RESTRICTIONS ON SUBDIVISIONS

Under section 106 of the RMA, a consent authority may refuse to grant a subdivision consent if it considers that:

- *there is significant risk from natural hazards; or*
- *sufficient provision has not been made for legal and physical access to each lot created by the subdivision.*

An assessment of the risk from natural hazards requires a combined assessment of:

- *the likelihood of natural hazards occurring (whether individually or in combinations); and*
- *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*

- *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage.*

The property does not currently show any signs of subsidence, inundation, erosion, falling debris or slippage. The site is not identified in the District Plan as being within a Fault Hazard Area. However, the subject site has been identified as being partially subject to a ponding flood hazard in a 1% AEP flood event, based on Council's latest flood data. The likelihood of these hazards occurring on the subject site are referred to as a 1% AEP event, being a flood event that has a one in one hundred (1%) chance of being equalled or exceeded in any on year but may also occur more frequently albeit at a lower depth. Therefore, there is a reasonable likelihood that the flood hazard would occur within the design life of any future building on the proposed allotments.

The subject site is shown to be subject to localised ponding on low points of the site, with earthworks having been designed to negate this flood hazard without increasing stormwater runoff from the site. As a result, each lot results in a flood free building area and access.

Both legal and physical access can be provided to all allotments within this subdivision.

I therefore consider that the matters outlined in section 106 of the RMA have been met and that Council's ability to grant resource consent to the proposed subdivision is not impacted by section 106 of the RMA.

4.9 PART 2 OF THE RESOURCE MANAGEMENT ACT

In *R J Davidson Family Trust v Marlborough District Council (2018)*³, the Court held that there is a requirement to have regard to Part 2 of the RMA when determining resource consent applications – however this may be achieved by relying on planning documents that have passed the *King Salmon* test (i.e. give effect to higher order documents and Part 2 of the RMA, with the exception of section 8) or by direct referral to Part 2 by the decision maker.

Section 5: Purpose and Principles of the Resource Management

Section 5 identifies the purposes and principles of the RMA and states:

“sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

It is considered that the proposal achieves the sustainable management purpose of the RMA, as it promotes the sustainable management of the subject site, which is currently underutilised when considering its position in the centre of a residential area which is well connected to the

³ <https://www.justice.govt.nz/assets/2019-NZEnvC-003-R-J-Davidson-Family-Trust-v-Marlborough-District-Council.pdf>

transport network. The provision of 41 residential units is a more suitable use of the land which increases housing stock within the District, and within an existing residential area, to accommodate the anticipated future population growth.

The subject site can be residentially developed without impacting on the life-supporting capacity of air, water, soil, and ecosystems.

As discussed in Section 3.1, any adverse effects on the environment can be avoided, remedied or mitigated so that they are no more than minor.

Section 6: Matters of National Importance

Section 6 of the RMA identifies the matters of national importance which are required to be recognised and provided for when assessing this application. It is considered that there are no relevant section 6 matters that require consideration as part of this proposal.

With respect to matter (h):

(h) the management of significant risks from natural hazards.

Whilst the site is partially subject to flood hazards, the flood hazards on site are not considered to be significant. The subject site is not identified as being within a fault or coastal hazard.

Section 7: Other Matters

Section 7 of the RMA identifies the other matters which particular regard must be had in relation to the use, development, and protection of natural and physical resources. relation to this proposal these matters include:

Of these matters: s7(b) the efficient use and development of natural and physical resources, s7(c) the maintenance and enhancement of amenity values, and s7(f) the maintenance and enhancement of the quality of the environment have been duly considered and assessed in Section 3.1 and 4.2 of this report.

Section 8: Treaty of Waitangi

Section 8 of the RMA requires that the principles of the Treaty of Waitangi be taken into account. The application site is not identified as having any particular cultural or historic significance within the District Plan. To avoid any disturbance of unrecorded historical or wāhi tapu sites, it is proposed to adhere to the accidental discovery protocol for the duration of the earthworks.

SECTION 5

CONCLUSION

Resource consent is sought to undertake the construction of 41 residential units at No. 160 Mazengarb Road, Paraparaumu. Alongside the proposed residential units, the proposal includes a private loop road and a community lawn area at the centre of the development.

An associated 56-lot fee simple subdivision is also sought, with each consented dwelling to be comprised in its own Record of Title, alongside 14 fee simple carparking spaces and one lot comprising the communal access, refuse and community lawn area which are to be maintained by a Residents Society.

Resource consent is also sought to park construction vehicles on site for the duration of the construction period, which is considered to reduce the number of daily vehicle movements throughout construction and reduce emissions by not having to remove construction vehicles in the evening and return the next day.

A s95A and 95B assessment has been undertaken with respect to the public realm and potentially affected parties and concluded that the application can be processed without public notification.

A s104(1)(a) assessment has also been completed focussing on the positive effects of the proposal alongside the effects on access and layout, flood hazards, geotechnical suitability, infrastructure, water demand management, urban design and internal amenity. It is concluded that the proposal's design successfully mitigates any potential adverse effects identified in the section 95 assessment and on the environment to an acceptable level. The proposal also has the following positive effects:

- Provision of 41 fee simple allotments which can be readily serviced and free from natural hazards;
- New residential units which are to be constructed to modern building standards which protect the health and wellbeing of future residents;
- The layout of the development provides compact, efficient and low maintenance dwellings which provide acceptable residential amenity and privacy, and good sun and outlook opportunities;
- The subject site is well integrated to enable active and public transport, as well as being located near a number of local amenities;
- Enabling housing as freehold which allows for individual ownership, provides a greater sense of place and stewardship to the local environment and provides increased levels of housing security, as does the provision of a Residents Society over communal areas.;
- The proposal also provides a communal recreation area which provides additional amenity within the development.

In considering s104(1)(b), the proposal is consistent with the NZ-CPS, NPS-UD, in that it provides 41 residential allotments and contributes to a well-functioning urban environment within the Kāpiti Coast District without compromising the coastal environment.

With regard to the District Plan, this report finds the proposal is consistent with the relevant Objectives and Policies of the Operative District Plan as well as Part II of the Resource Management Act 1991.

The proposal which also includes the parking of construction vehicles on the site for the duration of construction, and water demand infrastructure such as outdoor taps and storage tanks passes both 'gateway tests' under s104D.

It is therefore considered that the Council can grant consent to the proposal subject to the imposition of appropriate conditions, including those proffered to form part of the consent.

We request that draft conditions be circulated to us prior to the release of the resource consent decision, and request that the consent be placed on voluntary suspend under s91D of the RMA from receipt of draft conditions to our response.